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<p>13:26:00 1 sentence?</p> <p>2 A. It means that the draft -- and I think</p> <p>3 you have to put it in relation with the licenses.</p> <p>4 "Your draft does not reflect all the aspects</p> <p>13:26:09 5 discussed during our meeting of February 21st,</p> <p>6 2001, and mentioned in our initial proposal."</p> <p>7 And, "As you know, we view this as a</p> <p>8 most important matter and are asking our U.S.</p> <p>9 Attorney to review it."</p> <p>13:26:25 10 Is that we -- it's probably in relation</p> <p>11 with a discussion, which were held during the</p> <p>12 meeting of February, during which certain proposals</p> <p>13 and certain things have been discussed, and that we</p> <p>14 would like to see in writing, and which were not</p> <p>13:26:41 15 recognized in this small manufacturing agreement.</p> <p>16 Q. Mm-hmm. And is this -- and the meeting</p> <p>17 of February is the meeting of February 21st --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- 2002?</p> <p>13:26:52 20 A. I think so.</p> <p>21 Q. Okay. And do you know who was the U.S.</p> <p>22 attorney that is referred to in this letter?</p>	<p>13:27:54 1 BY MS. ABREU:</p> <p>2 Q. During that February 21, 2002, meeting</p> <p>3 was Mr. Meyer present?</p> <p>4 A. Yes.</p> <p>13:28:02 5 Q. Okay. And Mr. Herrera was present,</p> <p>6 wasn't he?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. During that meeting was there any</p> <p>9 discussion as to why Mr. Meyer should be reviewing</p> <p>13:28:10 10 an agreement between two Spanish companies?</p> <p>11 A. I don't think you have to keep it at the</p> <p>12 level of Spain -- Spain. I think it was something</p> <p>13 which involved two groups of companies, one French,</p> <p>14 one, American, having subsidiaries in Spain.</p> <p>13:28:30 15 Q. Mm-hmm.</p> <p>16 A. So that's probably -- that's how you</p> <p>17 should view the situation.</p> <p>18 Q. Okay. And is that why Mr. Meyer was</p> <p>19 asked to review this?</p> <p>13:28:39 20 A. Yeah, I think so.</p> <p>21 Q. Okay. Was this agreement that's marked</p> <p>22 as exhibit -- this draft that was marked as</p>
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<p>13:26:59 1 A. Yes.</p> <p>2 Q. And who was --</p> <p>3 A. It's --</p> <p>4 Q. -- that?</p> <p>13:27:02 5 A. -- Mr. Larry Meyer.</p> <p>6 Q. And why is it that Mr. Meyer would</p> <p>7 review an agreement between two Spanish companies?</p> <p>8 MR. GRACE: Objection.</p> <p>9 In your -- I rather -- I think you</p> <p>13:27:22 10 shouldn't answer that if it's going to get into</p> <p>11 your thought processes as an attorney representing</p> <p>12 Ethypharm.</p> <p>13 THE WITNESS: Mm-hmm.</p> <p>14 MR. GRACE: Okay. So I object on the</p> <p>13:27:32 15 basis of the attorney/client privilege.</p> <p>16 MS. ABREU: And is that also an</p> <p>17 instruction not to answer, counsel?</p> <p>18 MR. GRACE: Yes.</p> <p>19 MS. ABREU: Okay.</p> <p>13:27:40 20 Bentley reserves its rights to take this</p> <p>21 matter up with the court and to re-depose</p> <p>22 Ms. Joannesse on the issue.</p>	<p>13:28:48 1 Exhibit 23 ever signed --</p> <p>2 A. No.</p> <p>3 Q. -- or executed?</p> <p>4 A. No.</p> <p>13:28:52 5 Q. And why not?</p> <p>6 A. Because it was not corresponding, I</p> <p>7 think to -- it was -- I don't know for the part of</p> <p>8 Belmac, in fact, because it was sent back to</p> <p>9 Belmac.</p> <p>13:29:08 10 Q. Mm-hmm.</p> <p>11 A. As far we were concerned we -- we</p> <p>12 agreed -- we managed to agree, otherwise, with</p> <p>13 Belmac for the continuation of the production of</p> <p>14 the products and to termination of -- of the things</p> <p>13:29:18 15 so.</p> <p>16 Q. And is that the continued manufacture of</p> <p>17 the Omeprazole and other pellet drugs --</p> <p>18 A. Yes.</p> <p>19 Q. -- for Ethypharm and --</p> <p>13:29:25 20 A. Yes.</p> <p>21 Q. -- Ethypharm's client after March 23 --</p> <p>22 A. Yes.</p>

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<p>13:29:28 1 Q. -- of 2002?</p> <p>2 A. Right.</p> <p>3 Q. Okay. And we'll get into that later as</p> <p>4 well.</p> <p>13:29:40 5 Do you recall who was involved -- who</p> <p>6 else aside from -- was there anyone else aside from</p> <p>7 Mr. Leduc and Mr. Herrera who was involved in the</p> <p>8 negotiation of Exhibit 23?</p> <p>9 A. Exhibit 23, of this document?</p> <p>13:29:54 10 Q. (Nodded affirmatively).</p> <p>11 A. Adolfo de Basilio --</p> <p>12 Q. Mm-hmm.</p> <p>13 A. -- most probably.</p> <p>14 MS. ABREU: Thank you, Ms. Joannesse. I</p> <p>13:30:04 15 think this will be a good time for us to break for</p> <p>16 lunch.</p> <p>17 THE VIDEOGRAPHER: The time is 13:29:49</p> <p>18 Off the record.</p> <p>19 (Whereupon, at 13:29:49 p.m., a luncheon</p> <p>13:30:40 20 recess was taken, and the proceedings resumed at</p> <p>21 14:15 p.m., this same day.)</p> <p>22</p>	<p>1 ROSELINE JOANNESSE</p> <p>2 Resumed as a witness and, having previously been</p> <p>3 duly sworn, was examined and testified as follows:</p> <p>4 EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>5 (Continued)</p> <p>6 BY MS. ABREU:</p> <p>7 Q. Good afternoon, Ms. Joannesse.</p> <p>8 A. Good afternoon.</p> <p>9 Q. I hope you had a good lunch, albeit</p> <p>14:14:21 10 short.</p> <p>11 I'd like to talk to you a little bit</p> <p>12 about the February 21, 2002, meeting that you</p> <p>13 mentioned earlier today.</p> <p>14 A. Mm-hmm.</p> <p>14:14:34 15 Q. Do you recall where that meeting was?</p> <p>16 A. Yes. This meeting took place in</p> <p>17 Saint Cloud, France.</p> <p>18 Q. And where in Saint Cloud?</p> <p>19 A. At Ethypharm's offices.</p> <p>14:14:49 20 Q. And do you recall who was present?</p> <p>21 A. Yes. Belmac's part, you had Mr. Adolfo</p> <p>22 Herrera, and another gentleman, if I recall, the</p>
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<p>13:30:40 1 AFTERNOON PROCEEDINGS</p> <p>2 [14:13:12 p.m.]</p> <p>3 THE VIDEOGRAPHER: We're back on the</p> <p>4 record after our lunch break.</p> <p>14:13:28 5 The time is 14:13:12 or 2:13 p.m.</p> <p>6 We have a new Interpreter. I'd like to</p> <p>7 ask her to identify herself for the record.</p> <p>8 THE INTERPRETER: Sivanh Khamvongsa, and</p> <p>9 living at Woodbridge. And interpreting in French</p> <p>14:13:46 10 and English.</p> <p>11 THE VIDEOGRAPHER: And I need you to put</p> <p>12 your microphone on, please.</p> <p>13 THE INTERPRETER: Okay.</p> <p>14 Will the court reporter please swear in</p> <p>14:13:55 15 the Interpreter.</p> <p>16 THE VIDEOGRAPHER: Thank you.</p> <p>17 Whereupon,</p> <p>18 SIVANH KHAMVONGSA</p> <p>19 was called as an Interpreter, and, having first been</p> <p>14:14:07 20 duly sworn, to interpret English into French and</p> <p>21 French into English, translated as follows:</p> <p>22 Whereupon,</p>	<p>14:15:01 1 name was Berenguer something.</p> <p>2 Q. Fernando Berenguer?</p> <p>3 A. Yeah, probably, yeah.</p> <p>4 And from behalf of Ethypharm, you had</p> <p>14:15:13 5 Mr. Patrice Debrégeas, Mr. Gérard Leduc, Mr. Larry</p> <p>6 Meyer, and myself.</p> <p>7 Q. And do you recall was it -- did that</p> <p>8 meeting start in the morning?</p> <p>9 A. I just don't remember.</p> <p>14:15:30 10 Q. You don't remember?</p> <p>11 A. No.</p> <p>12 Q. Okay. Do you remember whether it was</p> <p>13 before or after lunch?</p> <p>14 A. No, I don't remember. We -- yeah . . .</p> <p>14:15:42 15 Q. What do you recall about that meeting?</p> <p>16 A. What I recalled is that we discussed the</p> <p>17 cooperation and the basis of cooperation. We -- we</p> <p>18 weren't -- I don't remember exactly all the</p> <p>19 details. I know also that I remembered that</p> <p>14:16:06 20 Mr. Herrera told us that he -- had a new</p> <p>21 formulation, new patents, and that the product that</p> <p>22 would be put in the market would be put with the</p>

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<p>14:16:22 1 marketing authorization, which would be changed to 2 taken into account the new formulation. 3 And we asked Mr. Herrera to get access 4 to the patents and the confidentiality agreement to 14:16:39 5 check where if our rights were -- were secured and 6 were denied, yes, were denied. 7 I also remember that they went out and 8 they asked for a break in the session at the time 9 to make a phone call, and they went to a room next 14:17:02 10 to the main meeting room. And I remember that 11 Mr. Larry Meyer talked on behalf of Ethypharm and 12 and expressed the -- the wishes of Ethypharm as far 13 as the corporation was concerned. 14 And that's roughly what I remember. I 14:17:34 15 don't remember all the details of the meeting. 16 Q. Okay. Let's go back to what you said 17 Mr. Herrera told the people present that he had a 18 new formulation -- 19 A. Mm-hmm. 14:17:45 20 Q. -- new patents for the product that he 21 would put on the market. 22 Was that for Omeprazole?</p>	<p>14:18:46 1 A. -- pendings. 2 Q. You said pending? 3 A. Yeah -- 4 Q. Okay. 14:18:52 5 A. -- pending. 6 Q. Okay. So they were Spanish patent 7 applications? 8 A. I don't know if they were -- purely, I 9 don't remember if they were purely a Spanish patent 14:19:02 10 application or EP patent application. That, I 11 can't say. 12 Q. And EP, just to clarify for the record 13 would be a -- 14 A. European -- 14:19:17 15 Q. European union? 16 A. -- patent. 17 Q. European patent? 18 A. European patent. 19 Q. And when Mr. Herrera said that he had -- 14:19:20 20 he had these new patents on Omeprazole, did he -- 21 did you understand him to mean Belmac? 22 A. Well, the company, the group of company.</p>
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<p>14:17:51 1 A. Yes, yes, it was for Omeprazole. I 2 remember this particularly, because I was very much 3 concerned about patents. 4 Q. Sure. 14:18:00 5 And was the new formulation, what he -- 6 what Laboratorios Belmac used to manufacturer 7 Omeprazole in -- in Zaragoza? 8 A. Can -- can you repeat, please. 9 Q. Did he -- did Mr. Herrera say that this 14:18:15 10 new formulation, to which you referred, was what 11 Laboratorios Belmac was using to manufacturer 12 Omeprazole in Zaragoza? 13 A. I don't think he was saying was using 14 but would use -- 14:18:31 15 Q. Okay. 16 A. -- would use once the contract is 17 terminated. 18 Q. And did Mr. -- when Mr. Herrera 19 mentioned new patents, is -- are those Spanish 14:18:43 20 patents -- 21 A. Yes, those -- 22 Q. -- on Omeprazole?</p>	<p>14:19:30 1 Q. Okay. 2 A. Obviously, we were discussing Belmac's 3 priority. 4 Q. Okay. 14:19:35 5 A. That's all. 6 Q. And -- and did Belmac have -- did 7 Bentley have any operations in Spain aside from 8 Laboratorios Belmac that made Omeprazole? 9 A. As far as I knew, no. 14:19:48 10 Q. Mm-hmm. Did Bentley Pharmaceuticals, 11 the American company, have any operations in the 12 EU? 13 A. I don't know. 14 Q. Okay. And when you also mentioned the 14:20:04 15 product, did that Mr. Herrera mentioned the product 16 that he would put on the market did you understand 17 him to mean Omeprazole? 18 A. Omeprazole, yes. 19 Q. Okay. Okay. Did Mr. Herrera ever show 14:20:17 20 you the patent application -- 21 A. No. 22 Q. -- for Omeprazole?</p>

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14:20:21	1 A. No. We just got the -- the numbers --	14:22:41	1 Q. East Coast. Okay.
	2 well, not the numbers, just information. I don't		2 A. -- sure.
	3 even know if we had the numbers. I don't recall		3 Q. To your knowledge is Mr. Meyer licensed
	4 through the year, press release --		4 to practice as an attorney in the United States?
14:20:32	5 Q. Mm-hmm.	14:22:49	5 A. Yes.
	6 A. -- that I mentioned earlier on. And		6 Q. Is he licensed to practice as an
	7 they -- they confirmed that they had these patents,		7 attorney in France?
	8 but they were not published at the time of the		8 A. No.
	9 discussion.		9 Q. Is he licensed to practice as an
14:20:47	10 Q. Were they published after -- at any time	14:22:55	10 attorney in Spain?
	11 after the -- the discussion?		11 A. No, as far as I know.
	12 A. They were not published in the next --		12 Q. And who at Ethypharm retained his
	13 well, in the next few months where I was still with		13 services?
	14 Ethypharm and now I don't know, because I've not		14 A. Patrice Debrégeas and Gérard Leduc.
14:21:03	15 worked on this subject since I left the company,	14:23:13	15 Q. Prior to the February 21st, 2002,
	16 obviously.		16 meeting, did Mr. Meyer have any involvement with
	17 Q. And you mentioned that Mr. Meyer spoke		17 matters pertaining to Belmac or Bentley?
	18 on behalf of Ethypharm during this meeting.		18 A. Um --
	19 A. Mm-hmm.		19 MR. GRACE: And just answer that yes or
14:21:18	20 Q. When did Ethypharm retain Mr. Myer's	14:23:26	20 no. Don't go into what the matters might have
	21 services?		21 been.
	22 A. A long time ago. A long time ago for		22 THE WITNESS: Yes.
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14:21:25	1 different subjects, not for this one, not	14:23:32	1 BY MS. ABREU:
	2 particularly. So it was -- it was dealing on		2 Q. And when did he have such involvement?
	3 different subject for the company.		3 A. Just very few -- few months, one or two
	4 Q. Do you remember approximately how long		4 months before only.
14:21:36	5 before the February 21, 2002, meeting Mr. Meyer was	14:23:43	5 Q. So by December of 2001?
	6 retained?		6 A. Yes, maybe November, December. I just
	7 A. For -- for this particular subject or		7 don't recall exactly.
	8 for other subjects?		8 Q. And what matters pertaining to
	9 Q. For any subject.		9 Omeprazole was he involved in?
14:21:52	10 A. I think at least five -- five or six	14:23:59	10 MR. GRACE: Okay. I'm going to instruct
	11 years, something like that, maybe. I think he was		11 you not to answer that based on the attorney/client
	12 already involved in some things in 1999. So I		12 privilege.
	13 would say, yeah, probably; just don't know exactly.		13 MS. ABREU: Bentley reserves its rights
	14 Q. And where does Mr. Meyer work?		14 to take this matter up with the court.
14:22:13	15 A. Where does he work?	14:24:11	15 BY MS. ABREU:
	16 Was working for a law firm. I have -- I		16 Q. Why did Ethypharm retain Mr. Myer's
	17 forgotten the -- the name. I just can't recall the		17 services?
	18 name of a law firm, in the U.S., obviously.		18 MR. GRACE: Okay. I'm going to instruct
	19 Q. In -- in the U.S.?		19 you not to answer that.
14:22:30	20 A. Yes.	14:24:21	20 MS. ABREU: Same reservation of rights.
	21 Q. Do you recall where in the U.S.?		21 BY MS. ABREU:
	22 A. Good question. East Coast for.		22 Q. Ms. Joannesse, I'm going to show you the

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14:24:37	1 Complaint in this action.	14:27:47	1 talking about suing Bentley in the United States on
	2 A. Mm-hmm.	2	2 behalf of Ethypharm?
	3 MS. ABREU: Please have this marked as	3	3 A. Yes, that's what's mentioned.
	4 the next exhibit, which I believe is Exhibit 24.	4	4 Q. Okay. Do you recall the draft of what
14:25:11	5 (Joannesse Deposition Exhibit No. 24	14:28:00	5 you referred to as the "Global Agreement" marked as
	6 was marked for Identification.)	6	6 Exhibit 20?
	7 THE WITNESS: Thank you.	7	7 A. Mm-hmm.
	8 BY MS. ABREU:	8	8 Q. Was Mr. Meyer involved in assisting with
	9 Q. Could you please take a bit of time to	9	9 that draft?
14:25:29	10 review that document.	14:28:12	10 A. No. As far as I remember, no.
	11 (Witness reviews document.)	11	11 Q. During the February 21st of 2002
	12 A. Do you want me to read all the document?	12	12 meeting, do you recall whether the March 23rd,
	13 Q. If you could please turn to	13	13 2000, agreement, marked as Exhibit 11, was reviewed
	14 paragraph 102?	14	14 by anyone present in the room?
14:26:12	15 A. Paragraph 102. Page 4?	14:28:41	15 A. No, the document was not reviewed.
	16 Q. Page 23.	16	16 Q. Was it discussed?
	17 A. Oh.	17	17 A. The -- the agreement, as such, was not
	18 Q. That Paragraph 102.	18	18 discussed. It was more of the situation which
	19 A. Oh, sorry.	19	19 probably was discussed.
14:26:30	20 Q. That's okay.	14:29:01	20 Q. Okay. And was there a discussion with
	21 A. Okay.	21	21 regard to whether that agreement fully protected
	22 Q. Do you understand that that paragraph	22	22 Ethypharm's interest?
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14:26:34	1 refers to the February 21st --	14:29:03	1 A. I don't think we talked about this
	2 A. Mm-hmm.	2	2 particular agreement at all. I mean, it's just a
	3 Q. -- 2002 meeting attended by Mr. Herrera	3	3 question of protecting the interest of Ethypharm as
	4 and Mr. Berenguer?	4	4 a whole.
14:26:42	5 A. Yes.	14:29:10	5 Q. And what was said about protecting the
	6 Q. Do you see the last sentence that reads,	6	6 interest of Ethypharm as a whole?
	7 "Finally, EThypharm representatives, including U.S.	7	7 A. Making sure that Belmac would not use
	8 counsel, stated that, under the circumstances, it	8	8 the know-how that had been transmitted during all
	9 appeared that in order to protect its valuable	9	9 these years of collaboration in an unauthorized
14:26:54	10 assets, Ethypharm would be forced to bring a	14:29:26	10 way.
	11 lawsuit against Bentley in the United States."	11	11 So I'm trying to find open -- I think
	12 A. Yes.	12	12 that they were opened to a corporation with
	13 Q. Do you recall that being said during the	13	13 Bentley and Belmac, but certainly not leaving
	14 February 2001 meeting?	14	14 the -- the things unsettled or unwritten as it was
14:27:09	15 A. Yes.	14:29:44	15 until now, protecting the fact that we had a -- a
	16 Q. And do you recall if Mr. Meyer is the	16	16 know-how. We had -- we -- we -- Belmac was putting
	17 U.S. counsel referred to in the Complaint --	17	17 a product on the market, and it was our
	18 A. Yes.	18	18 formulation, and we wanted to secure that if they
	19 Q. -- is that it? Okay.	19	19 were continuing to put it on the market with our
14:27:31	20 And is it your understanding that during	14:30:05	20 formulation, at least, we would get something, and
	21 that February 21st, 2002, meeting attended by	21	21 that they would not take all the know-how or the --
	22 Mr. Herrera and Mr. Berenguer, Mr. Meyer was	22	22 the information they had received during all these

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<p>14:30:18 1 years to continue marketing a product without 2 giving any -- anything to Ethypharm. 3 Q. And what did Mr. Herrera respond? 4 A. I don't know exactly what he responded 14:30:33 5 at that time. I don't recall. I just recall that 6 he said that -- that they didn't need to have our 7 formulation anymore because they had their own. 8 Q. I would like to show you another 9 document that I'd like to have marked as 14:31:22 10 Exhibit 25, please. 11 (Joannesse Deposition Exhibit No. 25 12 was marked for Identification.) 13 THE WITNESS: Thank you. 14 BY MS. ABREU: 14:31:53 15 Q. Ms. Joannesse, have you seen Exhibit 25 16 before? 17 A. Uh, yes. 18 Q. And when was the first time you saw 19 Exhibit 25? 14:32:08 20 A. When I collected all the agreements from 21 Ethypharm Spain. 22 Q. And did you mention earlier that was</p>	<p>14:33:12 1 document -- 2 A. Mm-hmm. 3 Q. -- please? 4 Could you read the first sentence? 14:33:16 5 A. Yes. 6 Belmac has transmitted to Ethypharm the 7 following documentation of time from the 8 registration file of the specialty Belmazol 9 20 milligram microgranules of Omeprazole. Methods 14:33:28 10 of manufacturing and validation of the same. 11 Method of analysis and validation of the same. 12 Q. And could you please read the second 13 sentence. 14 A. This information is transferred only for 14:33:43 15 the purpose of enabling Ethypharm to deliver this 16 to its clients as mentioned in Annex A and to 17 continue with its clients, its commercial 18 relationship. 19 Q. Is it your understanding that Belmazol 14:33:59 20 is a form of Omeprazole? 21 A. Belmazol is a trade -- the commercial 22 name of Omeprazole, as sold by Belmac in Spain.</p>
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<p>14:32:15 1 around 2000, 2002? 2 A. Probably. 3 Q. And could you tell us what Exhibit 25 4 is? 14:32:23 5 A. It's a confidentiality agreement between 6 Ethypharm Spain represented by Adolfo de Basilio, 7 as general manager, and Belmac represented by 8 Clemente González Azpeita, as general manager. And 9 this document is signed 30th of September 1998. 14:32:42 10 Q. Were you involved in drafting this 11 document. 12 A. No. 13 Q. Do you know who was? 14 A. Probably it was prepared directly in 14:32:52 15 Spain. 16 Q. Did you review this document before it 17 was signed? 18 A. I'm not sure. No, I don't think so. 19 I'm not sure, frankly. 14:33:06 20 Q. And you don't recall? 21 A. No, I don't recall. 22 Q. Just could you turn to page 2 of that</p>	<p>14:34:09 1 Q. Do you recall any discussions about this 2 document during the February 21st, 2002, meeting? 3 A. No. 4 Q. But it is your understanding, isn't it, 14:34:29 5 based upon this document, that Belmac did give some 6 confidential information to Ethypharm? 7 A. Yes. But I think you have to understand 8 more what it relates to. This is they give you 9 information which are contained in the registration 14:34:45 10 file, because it has been formatted into the 11 format, special format in order to enable the 12 company, which is mentioned behind, Acheva, to use 13 it for its sole registration Dosia. 14 Q. Mm-hmm. 14:34:59 15 A. That doesn't mean that the method of 16 manufacturing are analysis, et cetera. It belongs 17 to Belmac. It just mean that the way it was 18 included in the registration file was Belmac's 19 property because it affected either registration 14:35:15 20 file on Belmazol was their property. 21 Q. Okay. Can you tell us where in this 22 agreement it says that the method of manufacturing</p>

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<p>14:35:24 1 and the method of analysis is not Belmac's 2 property? 3 A. It is not mentioned in this document, 4 but it comes from history.</p> <p>14:35:39 5 Q. Do you recall anything else that was 6 said during that February 21st, 2002, meeting? 7 A. Not more than what I've just said 8 before.</p> <p>9 Q. Do you recall when you left that 10 meeting? 11 A. Probably at the end.</p> <p>12 Q. Do you recall the circumstances of 13 leaving that meeting? 14 A. Because it was finished, I imagine.</p> <p>14:36:48 15 MS. ABREU: I'd like to have the 16 following document marked as Exhibit 26, please. 17 (Joannesse Deposition Exhibit No. 26 18 was marked for Identification.) 19 THE WITNESS: Thank you.</p> <p>14:37:11 20 (Witness reviews document.) 21 BY MS. ABREU: 22 Q. Ms. Joannesse, have you seen Exhibit 26</p>	<p>14:39:13 1 Laboratorios Belmac and Ethypharm S.A., we deliver 2 the orders that you have -- have made for 3 microgranules of Omeprazole, and we indicate hereby 4 the prices of supply as well as the conditions.</p> <p>14:39:34 5 Q. Okay. Were you -- what is your 6 knowledge of the subject? 7 A. My knowledge is that we were faced with 8 a very difficult situation after the termination of 9 the letter of the -- of the agreement of supply by 10 Belmac. And because we had to deliver some 11 customers, and we needed to find an agreement with 12 Belmac to continue the supply of the product, that 13 was the result of discussions that Adolfo de 14 Basilio and Adolfo Herrera had together, in which 15 should resolve, at least temporarily, the 16 situation.</p> <p>17 Q. Okay. On -- on -- and is it your 18 recollection that Mr. de Basilio had asked 19 Mr. Herrera to fulfill those orders? 20 A. That he want, sorry? 21 Q. That -- is it your recollection that 22 Mr. de Basilio had requested --</p>
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<p>14:37:45 1 before? 2 A. Yes.</p> <p>3 Q. And what is Exhibit 26? 4 A. Exhibit 26 is a letter sent by Adolfo 5 Herrera, as a general manager of Belmac, to 6 Ethypharm Spain, Adolfo de Basilio on the 9th of 7 April 2002.</p> <p>8 And in this letter you have some terms 9 of supply of the microgranules of Omeprazole, which 10 are applicable to orders that Ethypharm had made to 11 Belmac prior to the 23rd of March 2002, which is 12 the termination date of Exhibit No. 11, and that 13 gives the condition, in which Belmac was ready to 14 supply this product.</p> <p>14:38:15 15 Q. And could you please read us the first 16 paragraph of this document. 17 A. As a follow-up to our talk -- to our 18 conversation and as a answer to your letter of 19 the -- of the 2nd of April, in which you ask us 20 to -- for -- that you -- you ask that for 21 transition period and before the -- the final 22 negotiation of the supply contract with</p>	<p>14:40:30 1 A. Mm-hmm. 2 Q. -- as stated in paragraph 1 that Mr. 3 Herrera fulfill those orders for at least a 4 temporary period of time after the -- after 5 March 23rd of 2002? 6 A. Yes.</p> <p>7 Q. Okay. You mentioned earlier today, 8 Ms. Joannesse, that you had been involved in -- 9 in -- in this subject of fulfilling orders -- 10 A. Mm-hmm.</p> <p>11 Q. -- for Ethypharm clients after the -- 12 the Exhibit 11 was terminated. 13 Could you tell us what your involvement 14 was? 15 A. Well, just making sure that we were -- 16 everything would be legal. So making sure that the 17 requests -- the requests were made in a way that 18 would be legal and that we would not create any 19 more problem in the future between Ethypharm and 20 Belmac -- 21 Q. And -- 22 A. -- and the customers.</p>

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<p>14:41:24 1 Q. In so doing, did you have any 2 communications with Belmac, with anyone at Belmac? 3 A. I personally not. 4 Q. Okay. Did anyone else at Ethypharm have 14:41:33 5 any communications with Belmac regarding this 6 issue? 7 A. Adolfo de Basilio. 8 Q. Was he the only one? 9 A. I think so. I can't -- I can't swear he 14:41:42 10 was the only one but I think so. 11 Q. Did you have any communications with 12 Ethypharm's customers regarding this issue with -- 13 of Belmac's continued supply of Omeprazole after 14 March 23rd of 2002? 14:41:59 15 A. As far as I'm concerned, not directly, 16 but the team was in contact with the customers. I 17 don't know what they say. I mean -- 18 Q. And who was the team that was in contact 19 with? 14:42:12 20 A. Well, the different people in charge of 21 the relationship with the customers and the -- and 22 supply of products.</p>	<p>14:43:16 1 Q. Was she there when you left -- 2 A. Yes -- 3 Q. -- Ethypharm France? 4 A. -- she was still there. 14:43:46 5 MS. ABREU: I'd like to have this next 6 document marked for identification as Exhibit 27, 7 please. 8 (Joannesse Deposition Exhibit No. 27 9 was marked for Identification.) 14:44:26 10 THE WITNESS: Thank you. 11 (Witness reviews document.) 12 THE WITNESS: No, I don't remember this 13 one. I realized I signed it so. 14 BY MS. ABREU: 14:48:32 15 Q. Have you seen this document, Exhibit 27 16 before? 17 A. I can say yes. It's in my name so. 18 Q. Do you recall drafting Exhibit 27? 19 A. I drafted it but not -- well, I mean, my 14:48:47 20 Spanish is not good enough to write such a letter. 21 So I did it with Adolfo de Basilio and -- 22 Q. Did anyone assist in the drafting?</p>
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<p>14:42:18 1 Q. And who were those people? 2 A. Well, different people at Ethypharm S.A. 3 France from the industry. Like, I think -- I don't 4 know the names, but I think you had met Natalie 14:42:28 5 Neves, N-E-V-E-S, Natalie, and maybe other people 6 from the team that just don't have all the names in 7 my head. 8 Q. Yves Liorzou? 9 A. Maybe Yves, maybe Yves, yes. 14:42:47 10 Q. Was Mr. de Basilio, to your knowledge, 11 involved in this? 12 A. Probably. Also Adolfo, I mentioned him 13 because it's obvious. 14 Q. And to your knowledge is -- is Natalie 14:42:59 15 Neves still at Ethypharm. 16 A. Natalie Neves, she -- she was at 17 Ethypharm France, yes. 18 Q. Okay. To your knowledge is she still 19 employed at Ethypharm France? 14:43:11 20 A. I think so. I can't say -- I can't tell 21 you, you know. I haven't had any contact with her 22 for some time.</p>	<p>14:48:58 1 A. Yes. Probably, our external counsel, 2 Spanish counsel. 3 Q. And what would his name be? 4 A. Perez Sendino. 14:49:12 5 Q. Could you please tell us what this 6 document is or what this letter? 7 A. Well, it's very long so. I've gone 8 through it very rapidly and I just don't recall 9 everything. But it's mainly regarding the 14:49:22 10 situation of delivery of a product that we had for 11 one of our customers in Ethypharm, and -- on this. 12 This effectively was a strange situation 13 because we had to deliver some orders after 14 termination so that was all around this -- this 14:49:37 15 issue. 16 Q. And when you say after termination, do 17 you mean after the termination of exhibit or the 18 contract marked as Exhibit 11? 19 A. Right. 14:49:48 20 Q. Okay. And were these orders that have 21 been placed -- when had Cinfa placed the orders 22 that Exhibit 27 refers to?</p>

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<p>14:49:59 1 A. I don't know when they had placed it, 2 but they have placed it before so we -- we had an 3 obligation to deliver. 4 Q. Okay. Before the termination of -- 14:50:05 5 A. Yes. 6 Q. -- of the -- 7 A. Yes. 8 Q. -- Exhibit 11? 9 A. Yes, I think so. Just don't recalling 14:50:09 10 the detail but ... 11 Q. And could you read to us paragraph 2 of 12 Exhibit 27. 13 A. Paragraph 2, which on the Sinceramente 14 or the Me parece? 14:50:22 15 Q. Oh, I apologize the Me parece. 16 A. Me parece. 17 It seems to me that he's -- we are 18 repeating view -- we have to repeat and -- and to 19 tell you, again, that to remind -- to remind you 14:50:50 20 that the manu -- the supply agreement we had or our 21 Spanish subsidiary had with Belmac and which was 22 reviewed every two years was terminated in</p>	<p>14:52:15 1 A. No. 2 Q. And could you review on page 3 the 3 second paragraph. 4 A. Habíamos creído fielmente? 14:52:31 5 Q. Yes. 6 A. We always believed and nothing made us 7 believe the opposite that the interest of Cinfa and 8 Ethypharm were to continuous -- was to continue to 9 collaborate closely and including -- and including 14:53:00 10 increasing our relationship through alternatives 11 and possibilities -- possibilities on the basis 12 of -- let me -- let me start again, because the 13 sentence is very complicated, unless you have the 14 translation already. 14:53:28 15 Q. There is a translation behind that -- 16 A. So -- 17 Q. -- that may be helpful to you. 18 A. Yes, that would be more helpful to me 19 because it's a very complicated sentence. 14:53:37 20 "We have faithfully believed, and you 21 have not said anything on the contrary in a 22 negative and clear way, that the interest of Cinfa</p>
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<p>14:51:02 1 March 2002 by Belmac. 2 Q. And why did you have to remind Cinfa 3 again of that fact? 4 A. Because I think they -- well, if I 14:51:23 5 remember, because everything was far away. I think 6 that it seemed that they were not -- they were 7 asking for the supply continuously of the product, 8 and we -- we had informed them of the problem, and 9 we're not helping sufficiently in -- in resolving 14:51:34 10 the problem of deliveries. 11 Q. Could you read on page 2 the last 12 paragraph of page 2. 13 A. Además, mientras estábamos? 14 Q. If you could please read that first 14:51:46 15 sentence. 16 A. Moreover, while we were discussing 17 and -- and studying the condition of a license and 18 registering of our new aqueous formula, Cinfa 19 seemed to have chosen to take product formulated 14:52:08 20 and elaborated by another company. 21 Q. Do you recall what other company that 22 sentence refers to?</p>	<p>14:53:40 1 and Ethypharm was to move forward working closely 2 and even improving our relation through 3 alternatives and possibilities arising from the 4 certain fact that the agreement between Ethypharm 14:53:51 5 and Belmac has already finished and under no 6 circumstance was it imagined that in March 2003 you 7 continue making orders to be manufactured by 8 Belmac." 9 Q. Do you recall Cinfa continuing to place 14:54:05 10 orders with Belmac after the termination of -- of 11 Exhibit 11? 12 A. Yes, yes, yes they did; definitely, they 13 did. 14 Q. Did you ever -- was this letter ever 14:54:18 15 sent to Cinfa? 16 A. Yes, it was. 17 Q. And did Cinfa ever respond to this 18 letter? 19 A. I don't remember. 14:54:27 20 Q. Okay. And Exhibit 27 does not refer to 21 Bentley anywhere, does it? 22 A. No, it does not.</p>

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<p>14:54:37 1 Q. Did you ever send Cinfa a letter similar 2 to Exhibit 27 that did refer to Bentley? 3 A. No, because they didn't know Bentley. I 4 mean, it's -- we're in Spain.</p> <p>14:54:46 5 Q. Okay. 6 A. There was no reason for them to know 7 Bentley. 8 Q. Did you ever have any communications 9 with Bentley about Belmac's continued manufacturer 10 of Omeprazole, or other pellet drugs, for Ethypharm 11 or for Ethypharm customers after the termination of 12 Exhibit 11? 13 A. As far as I'm concerned, no. 14 Q. Okay. Do you know whether anyone else 15 at Ethypharm had such communications with Bentley? 16 A. I don't know. Maybe management. But I 17 don't know. 18 Q. Do you recall when you mentioned earlier 19 that Mr. Herrera had stated that he would continue 20 to manufacture Omeprazole after the termination of 21 Exhibit 11 with their new formula? 22 A. Mm-hmm.</p>	<p>14:56:44 1 A. Well, throughout the years, throughout 2 the collaboration, things -- things -- things 3 have -- whoops, sorry -- the formulation has been 4 slightly modified to meet some -- some problems met 5 during the fabric -- during the manufacturing so. 6 Q. Do you know who was involved in 7 modifying that? 8 A. Domingo Bernabe certainly and maybe 9 other people from Ethypharm S.A. France in the 10 development section. 11 Q. And do you know where Mr. Bernabe 12 participated in making these modifications? 13 A. Well, probably mainly at the Zaragoza 14 plant, but maybe some of the modifications have 15 been made also in France but -- but I can't -- 16 Q. Do you know -- 17 A. -- swear. 18 Q. -- with whom Mr. Bernabe had contacts at 19 the Zaragoza plant regarding these modifications to 20 the Omeprazole technology? 21 A. No. 22 Q. To your knowledge were any modifications</p>
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<p>14:55:44 1 Q. Okay. To your knowledge was the -- 2 do -- do you recall also earlier today when you 3 mentioned that their had been modifications made to 4 the formula that -- or -- or any confidential 5 information that Ethypharm had given to Belmac 6 concerning Omeprazole and other pellet drugs? 7 A. Can you clarify your question, please, 8 because -- 9 Q. Sure. 10 You stated earlier, did you not, that 11 Ethypharm had given Belmac, Laboratorios Belmac, 12 some confidential information -- 13 A. Mm-hmm. 14 Q. -- formulas, and -- and other 15 confidential technological information concerning 16 Omeprazole. 17 A. Yes. 18 Q. Do you recall that? 19 To your knowledge were any modifications 20 made to this technology, this formula, where this 21 information that Ethypharm gave to Laboratorios 22 Belmac?</p>	<p>14:57:46 1 made by anyone at Bentley in the United States to 2 Ethypharm's Omeprazole technology? 3 A. I don't know. 4 Q. After the termination of the agreement 5 marked as Exhibit 11 do you know whether there was 6 any dispute between Ethypharm and Laboratorios 7 Belmac concerning Ethypharm's machinery that was in 8 installed in the Zaragoza plant? 9 A. Well, we wanted to take our machinery 10 away and, in fact, Belmac said that they had no 11 problem but it was delayed all the time. And so 12 it's only -- and after I left the company in 13 September, or something like that, or August, 14 September, that the machine -- machinery was taken 15 away. 16 Q. Do you recall who was involved in this 17 dispute with Belmac about the machines? 18 A. What do you mean by who was involved in 19 its -- 20 Q. Who on the part of the Ethypharm S.A. 21 communicated with Laboratorios Belmac regarding the 22 removal of Ethypharm's machines?</p>

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14:59:01	1 A. Probably, I did sometimes, maybe at some	15:00:55	1 Q. Okay. Did you ever conduct anyone at
	2 point. Otherwise, after I left, I know that there		2 Bentley regarding the dispute over Ethypharm's
	3 was Eric Igonet. I think he -- he did -- he dealt		3 machines?
	4 with -- with this. And Katherine Calamine, maybe		4 A. As far as I'm concerned, no.
14:59:17	5 it was somebody else as well.	15:01:02	5 Q. Do you -- to your knowledge, did anyone
	6 Q. Okay.		6 else at Ethypharm ever contact anyone at Bentley
	7 A. And the people in charge of		7 with regard to the dispute over the machines?
	8 manufacturing as well.		8 A. I don't know.
	9 Q. Okay. Could you please tell who Eric		9 Q. Okay. Did you ever account Jim Murphy
14:59:25	10 Igonet is?	15:01:13	10 with regard to the disputes over the machines at --
	11 A. Well, he was the former finance --		11 in Zaragoza?
	12 finance -- finance manager and general secretary of		12 A. As far as I'm concerned, no.
	13 Ethypharm.		13 Q. Okay. And to your knowledge, did anyone
	14 Q. Of Ethypharm France?		14 else at Ethypharm ever contact Jim Murphy about the
14:59:44	15 A. Yes, Ethypharm France. He was the	15:01:24	15 dispute over the machines?
	16 general secretary at the end.		16 A. I don't know.
	17 Q. Was he general secretary around the time		17 Q. Ms. Joannesse, do you know whether
	18 of this dispute involving the --		18 Laboratorios Belmac needed any authorization from
	19 A. Yes.		19 the Spanish Ministry of Health to market or sell
14:59:46	20 Q. -- machines?	15:01:47	20 the Omeprazole in Spain?
	21 And what is the role of the general		21 A. Yes, like every pharmaceutical
	22 secretary of Ethypharm France?		22 companies.
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14:59:52	1 A. It was to -- to -- to -- to deal with	15:01:52	1 Q. And do you know whether Laboratorios
	2 all type of litigations and with suppliers and		2 Belmac was authorized by the Spanish of Ministry of
	3 corporate companies, business.		3 Health to manufacture Omeprazole and other pellet
	4 Q. Was Mr. Igonet on the board of		4 drugs in Spain?
15:00:07	5 Ethypharm -- on the board of directors, excuse me?	15:02:02	5 A. Yes, they needed to have an
	6 A. I think so.		6 authorization to manufacture.
	7 Q. And who is Katherine Calimene?		7 Q. And to your knowledge was Bentley
	8 A. Katherine Calimene was someone working		8 Pharmaceuticals United States company authorized by
	9 in the finance department as well.		9 the Spanish Ministry of Health to market Omeprazole
15:00:28	10 Q. Do you recall who at Laboratorios	15:02:15	10 in Spain?
	11 Belmac, you and -- and Mr. Igonet and Ms. Calimene		11 A. I don't see why they should be
	12 dealt with regarding the dispute over the --		12 authorized because they were not marketing
	13 Ethypharm's machines?		13 Omeprazole in Spain.
	14 A. The first one was Mr. Herrera, but then		14 Q. You mentioned earlier that you were
15:00:42	15 it was probably a technical director, but I don't	15:02:30	15 involved in drafting some confidentiality
	16 recall the name.		16 agreements --
	17 Q. Does Antonio Cabodevilla sound familiar?		17 A. Mm-hmm.
	18 A. Yes, yes.		18 Q. -- with employees of Laboratorios Belmac
	19 Q. Okay.		19 pertaining to Omeprazole and other pellet drugs; is
15:00:53	20 A. Right.	15:02:39	20 that correct?
	21 Q. Anyone else?		21 A. I didn't say I -- I was involved in the
	22 A. I don't know, no.		22 drafting. I just mentioned that there was some

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<p>15:02:44 1 confidentiality agreements with employees. Yes, 2 there are -- 3 Q. Okay. 4 A. -- some -- some confidentiality 15:02:52 5 agreements with employees. 6 MS. ABREU: I'd like to have the 7 following document marked as Exhibit 28, please. 8 It starts with Bates label 00 -- EP 008089. 9 (Joannesse Deposition Exhibit No. 28 15:03:40 10 was marked for Identification.) 11 THE WITNESS: Thank you. 12 (Witness reviews document.) 13 BY MS. ABREU: 14 Q. Ms. Joannesse, have you seen Exhibit 28 15:04:30 15 before? 16 A. Probably, probably. 17 Q. Were you involved in drafting 18 Exhibit 28? 19 A. No. This is -- 15:04:36 20 Q. Do you -- do you -- 21 A. This is a standard confidentiality 22 agreement.</p>	<p>15:06:03 1 assigning when you are giving some confidentialia 2 information to be included in the registration 3 Dosia. 4 Q. Do you recall any such doc -- any 15:06:15 5 documents similar to Exhibit 28 being signed 6 between Ethypharm, either France or Spain, and 7 Bentley Pharmaceuticals in the United States? 8 A. No. 9 MS. ABREU: I would like to mark the 15:06:32 10 next documents as Exhibit 29, please. It starts 11 with EP 002741 through EP 002745. 12 (Joannesse Deposition Exhibit No. 29 13 was marked for Identification.) 14 THE WITNESS: Thank you. 15:07:49 15 BY MS. ABREU: 16 Q. Ms. Joannesse, have you seen Exhibit 29 17 before? 18 A. Yes. 19 Q. Were you involved in drafting 15:07:56 20 Exhibit 29? 21 A. No. 22 Q. Do you re -- do you know who was?</p>
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<p>15:04:43 1 Q. Do you recall who may have been involved 2 in drafting this agreement? 3 A. I don't know. Someone at Ethypharm 4 Spain. No, frankly speaking, I don't know. 15:04:56 5 Q. Could you tell us who this 6 confidentiality agreement is between? 7 A. It's between Ethypharm France 8 represented by its affiliate from Spain and Belmac, 9 Spain, Madrid represented by its medical director 15:05:18 10 Dr. Manuel Espuelas. 11 Q. And who is representing Ethypharm France 12 and Ethypharm Spain? 13 A. Adolfo de Basilio is the authorized 14 signature. 15:05:38 15 Q. And could you tell us what this 16 confidentiality, what is the subject of this 17 confidentiality agreement? 18 A. Yes. 19 Ethypharm is transmitting some technical 15:05:44 20 documentation of Omeprazole to Belmac for Belmac to 21 consider whether they want to use it. That's 22 usually the type of agreement you're -- you're</p>	<p>15:08:02 1 A. No. 2 Q. Can you please tell me what Exhibit 29 3 is? 4 A. These are specific confidentiality 15:08:10 5 agreements with -- signed by the employees that 6 were directly involved in the develop and 7 manufacturing of Omeprazole. 8 Q. And when you say the employees, do 9 you -- are you referring to employees of Belmac? 15:08:27 10 A. Yes, sorry. 11 Q. That's okay. 12 A. This is Belmac. 13 Q. And can you tell us who those employees 14 are that signed the confidentiality agreements 15:08:38 15 marked as Exhibit 29? 16 A. Well, from the names that you have, you 17 have Mr. González Azpetia, and he's the general 18 manager. I think that's just -- and you have from 19 the names you have Antonio Cabodevilla, which you 15:08:55 20 told me was a technical director. And the rest I 21 don't know. I guess that they are technicians. 22 Q. Okay. Do you see where it says Mr. --</p>

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<p>15:09:09 1 the first page refers to Mr. Mateo Gasca -- 2 A. Yes. 3 Q. -- who resides in Zaragoza? 4 A. Mm-hmm. 15:09:17 5 Q. And the second page, as you mentioned -- 6 A. Azpeitia. 7 Q. -- Azpeitia. 8 And the third page -- 9 A. Carlos -- 15:09:23 10 Q. -- do you see -- 11 A. -- Asensio. 12 Q. Carlos Asensio. He's also a resident of 13 Zaragoza. 14 The fourth page Mr. Cabodevilla -- 15:09:31 15 A. Mm-hmm. 16 Q. -- also a resident of Zaragoza. 17 And the last page Mr. Jose Luis 18 Monterde, also a resident of Zaragoza. 19 A. Mm-hmm. 15:09:35 20 Q. When was the first time you saw 21 Exhibit 29? 22 Do you remember?</p>	<p>15:10:49 1 was marked for Identification.) 2 (Witness reviews document.) 3 THE WITNESS: Mm-hmm. 4 BY MS. ABREU: 15:11:43 5 Q. Ms. Joannesse, have you seen Exhibit 30 6 before? 7 A. Yes. 8 Q. When was the first time you saw 9 Exhibit 30? 15:11:52 10 A. Probably, when I was collecting -- or I 11 don't remember. Maybe I -- maybe I drafted it. 12 Maybe I drafted it. 13 Q. Okay. Can you -- 14 A. It's possible. 15:12:00 15 Q. -- tell us the date of Exhibit 30? 16 A. It was dated July 11th, 1995. 17 Q. Do you recall who else was involved in 18 drafting Exhibit 30? 19 A. In drafting, probably nobody else, but 15:12:22 20 in the preparation Mr. Debrégeas and -- and 21 Mr. Leduc as well. 22 Q. And to the best of your recollection was</p>
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<p>15:09:45 1 A. When I collected the agreement from 2 Ethypharm Spain. 3 Q. And -- and you kept this in your -- in 4 your Belmac -- 15:09:50 5 A. Yes. 6 Q. -- /Bentley file? 7 A. Yes. 8 Q. And do you recall ever collecting a 9 similar agreement signed by any Bentley employees 15:10:02 10 in the United States? 11 A. No. But that was not necessary because 12 the things was in Zaragoza, and technicians were 13 working in Zaragoza and were putting their hands on 14 the product so. 15:10:09 15 Q. And it wasn't necessary because the 16 employees of Bentley and the United States had not 17 manufactured Omeprazole for Ethypharm? 18 A. Yeah. 19 MS. ABREU: I'd like to show you another 15:10:39 20 document and have it marked as the next Exhibit, 21 which I believe is Exhibit 30. 22 (Joannesse Deposition Exhibit No. 30)</p>	<p>15:12:31 1 it Mr. Leduc and Mr. Debrégeas who requested that 2 you draft Exhibit 30? 3 A. Well, as it is signed by Mr. Debrégeas, 4 I would say it was Mr. Debrégeas. 15:12:41 5 Q. And could you tell us who this agreement 6 is between? 7 A. This agreement is with -- between Belmac 8 Corporation in Tampa U.S. represented by Mr. James 9 Murphy, President, Chief Executive Officer, and the 15:12:58 10 company is referred as Belmac and Ethypharm S.A. 11 located at rue Saint Matthieu in Houdan, France, 12 represented by Patrice Debrégeas, President and, 13 and called Ethypharm. 14 Q. And is this document signed? 15:13:17 15 A. It is signed. 16 Q. Okay. Do you recognize the signature 17 for Ethypharm France? 18 A. Yes. 19 Q. And whose signature is that? 15:13:24 20 A. Mr. Debrégeas. 21 Q. Okay. And is the document signed on 22 behalf of Belmac Corporation?</p>

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15:13:33	1 A. Yes.	15:16:54	1 A. Yes.
	2 Q. And who is it signed by?		2 Q. When was the first time you saw
	3 A. James Murphy.		3 Exhibit 31?
	4 Q. What is this -- what is Exhibit 30?		4 A. The last thing, I probably prepared it.
15:13:41	5 What is this confidentiality agreement	15:17:00	5 Q. You recall you drafted it?
	6 about?		6 A. Yes, probably drafted it.
	7 A. Well, it's about the possibility of the		7 Q. Do you recall who asked you to draft it?
	8 companies to exchange information on the U.S.		8 A. Well, I probably drafted it on the
	9 company which researches and develops transdermal		9 request of Gérard Leduc and Patrice Debrégeas.
15:13:55	10 products, and Ethypharm was interested in	15:17:16	10 Q. And why did you draft this document?
	11 participating -- participating in the acquisition		11 A. Excuse me?
	12 of this company with Belmac Corporation.		12 Q. I apologize. Why did you draft
	13 Q. So were -- just to clarify, then, were		13 Exhibit 31?
	14 Ethypharm France and Belmac Corporation in the		14 A. Well, probably because they asked me to
15:14:11	15 United States considering jointly purchasing a U.S.	15:17:27	15 do it to put in to papers, at least, a commitment
	16 company?		16 by Belmac and -- and Bentley recognizing the
	17 A. Right.		17 ownership of Ethypharm on patent formulation,
	18 Q. And do you recall the name of that		18 et cetera, know-how.
	19 United States company?		19 Q. And with regard to Omeprazole?
15:14:19	20 A. No.	15:17:51	20 A. Yes, probably -- well, or all the
	21 Q. Do you recall whether this		21 products as well. I mean, it's not mention of --
	22 confidentiality agreement had anything to do with		22 their products, you have an amount, a certain
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15:14:33	1 the manufacture of Omeprazole in Spain?	15:17:57	1 number of products and pellets, among which
	2 A. No. It's on transdermal products.		2 Omeprazole pellets and its derivatives. So it's
	3 Q. And is that different from pellet drugs?		3 not only Omeprazole pellets.
	4 A. It is different, yes.		4 Q. And do you recall when you drafted this
15:14:53	5 Q. Is this the -- aside from Exhibit 30 --	15:18:09	5 document?
	6 A. Mm-hmm.		6 A. No, I don't recall exactly the
	7 Q. -- do you recall any confidentiality		7 circumstances, but apparently it dates back to
	8 agreements between Ethypharm, either France or		8 1998, so April of 1998.
	9 Spain, and Bentley in the United States or Belmac		9 Q. And could you please read to us the
15:15:06	10 Corporation in the United States?	15:18:28	10 first sentence of the first paragraph.
	11 A. I think there was another one, but I'm		11 A. Which one?
	12 sorry I don't remember all the agreements signed.		12 Q. Dr. Clemente Gonzales Azpeita.
	13 Q. Okay, fine.		13 A. Dr. Clemente Gonzales Azpeita, in the
	14 MS. ABREU: I'd like to have the next		14 name and in presentation of Laboratorios Belmac
15:15:47	15 document marked for identification as Exhibit 31.	15:18:40	15 S.A., with registered office in Monteraragon,
	16 (Joannesse Deposition Exhibit No. 31		16 No. 9, Madrid, and with tax identification number,
	17 was marked for Identification.)		17 as general manager.
	18 THE WITNESS: Thank you.		18 Mr. James Murphy -- R. Murphy, in the
	19 (Witness reviews document.)		19 name and representation of Bentley Pharmaceuticals,
15:16:50	20 THE WITNESS: Yes.	15:18:54	20 Inc., with registered office in One Urban Centre,
	21 BY MS. ABREU:		21 Suite 548, 4830 Wes Kennedy Boulevard, Tampa,
	22 Q. Have you seen Exhibit No. 31 before?		22 Florida, USA, as Chairman and Chief Executive

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15:19:11	1 Officer.	15:21:21	1 draft agreements we reviewed this morning did not?
	2 Q. Okay. And is that with Ethypharm S.A.		2 A. Which one?
	3 Spain?		3 Q. All of the draft agreements we reviewed
	4 A. Well, it's a -- it's a declaration.		4 this morning?
15:19:18	5 It's not an agreement. So it's with anybody.	15:21:30	5 A. Well, it depends, yeah.
	6 Q. Okay. Is it a declaration regarding		6 Q. Exhibit 11 does not, does it?
	7 Omeprazole and pellet technology in the		7 A. Yes.
	8 relationship with Ethypharm Spain?		8 Q. Exhibit --
	9 A. I think it's both in Ethypharm Spain and		9 A. But as I told you, most the agreements
15:19:36	10 Ethypharm France and it's mentioned Ethypharm	15:21:33	10 we had reviewed today, they were small agreements
	11 Spain, Ethypharm has manufacturing agreement with		11 to take into consideration, an urgent situation,
	12 Laboratorios Belmac for manufacturing pellets and a		12 regarding the manufacturing of -- of -- of the --
	13 certain number of products developed by Ethypharm.		13 of the products in Spain.
	14 So apparently, the way it is drafted it		14 Why this type of document is, frankly,
15:19:53	15 refers to Ethypharm Spain, yeah.	15:21:46	15 a -- a recognition of the property of the know-how
	16 Q. And you would agree, would you not, that		16 by both the subsidiary and the mother company, and
	17 in this draft -- this draft is drafted so that		17 that's something which -- which should have been --
	18 Laboratorios Belmac and Bentley Pharmaceuticals		18 which -- which was the agreement in principal. And
	19 undertake not to divulge the information to third		19 that was, again, a small document with to -- to
15:20:09	20 parties and that would be the information	15:22:10	20 secure our interests, which finally was not signed
	21 concerning Omeprazole and other pellet drugs --		21 again.
	22 A. Yes.		22 Q. And do you recall any -- any documents
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15:20:14	1 Q. -- is that correct?	15:22:18	1 at all, whether small or not small, that were ever
	2 A. Mm-hmm.		2 signed by both Belmac S.A. and Bentley in the --
	3 Q. Do you recall this draft confidentiality		3 A. No.
	4 agreement having been ever sent to Mr. Murphy?		4 Q. -- United States?
15:20:26	5 A. This is not a confidentiality agreement.	15:22:28	5 A. No.
	6 This is a declaration. And this draft, I think,		6 Q. Do you recall any agreements, whether
	7 was sent -- yes, it was sent to Mr. Murphy because		7 small or not small that were ever signed between
	8 the fax cover page showed that Adolfo de Basilio		8 Ethypharm, either France or Spain, and Bentley in
	9 did send it to Mr. Murphy.		9 the United States by itself concerning Omeprazole
15:20:46	10 Q. And do you recall whether Mr. Murphy	15:22:38	10 and other pellet drugs?
	11 ever responded to this draft declaration?		11 A. No, besides all those we have reviewed
	12 A. No. Frankly speaking, I don't recall.		12 already, no.
	13 Q. To your knowledge was this draft		13 Q. Ms. Joannesse, are you aware of any
	14 declaration ever signed by Mr. Murphy or		14 statements made by Laboratorios Belmac directly to
15:20:56	15 Mr. Gonzales?	15:23:10	15 Ethypharm's clients concerning the ownership of
	16 A. I don't think so, either.		16 technology to manufacture Omeprazole?
	17 Q. But you would agree, would you not,		17 A. I don't know what Belmac says to the
	18 Ms. Joannesse, that in this particular draft you		18 customers.
	19 did include both Laboratorios Belmac and Bentley		19 MS. ABREU: I'd like to mark this
15:21:16	20 Pharmaceuticals as a party?	15:23:40	20 document as Exhibit 32, please.
	21 A. Mm-hmm.		21 (Joannesse Deposition Exhibit No. 32
	22 Q. Whereas the contracts we reviewed, the		22 was marked for Identification.)

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<p>15:24:10 1 THE WITNESS: Thank you. 2 (Witness reviews document.) 3 BY MS. ABREU: 4 Q. Have you had a chance to 15:24:42 5 review Exhibit -- 6 A. Yes. 7 Q. -- 32? 8 Have you seen this before? 9 A. I probably have seen it because I was 15:24:48 10 copied so. 11 Q. And what is the first page of 12 Exhibit 32? 13 A. It's a letter from one of our customer 14 in Republic Czech, Czech Republic. We call it 15:24:56 15 Leciva, dated 20th of March 1997, which request a 16 statement specifying one cooperation between 17 Ethypharm and Belmac works in the manufacturing of 18 Omeprazole pellets because they need it for the 19 registration file. 15:25:21 20 Q. Okay. And do you understand page 2 to 21 be the statement requested by Leciva to Mr. de 22 Basilio?</p>	<p>15:26:08 1 with Leciva, so probably they sent it to me as well 2 so that I included it in the -- in the file, you 3 know, the agreement. 4 Q. Do you recall ever seeing or hearing 15:26:17 5 about a statement issued by Bentley Pharmaceuticals 6 to an -- an Ethypharm customer concerning the 7 collaboration with Ethypharm for the manufacturer 8 of Omeprazole in Spain? 9 A. No. 15:26:43 10 Q. Ms. Joannesse, have you had any personal 11 contacts with Jim Murphy, aside from the one time 12 you mentioned today that you met him in the 13 hallway? 14 A. Personal contact, no, no. 15:26:57 15 Q. Did you have any communications with 16 Mr. Murphy that we did not discuss today? 17 A. And there was a telephone conversation 18 with Gérard Leduc and James Murphy. I don't recall 19 exactly the date. And I was there but that's all. 15:27:12 20 But I didn't talk to Mr. Murphy, I mean. It was 21 not a -- 22 Q. Do you recall approximately when that</p>
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<p>15:25:30 1 A. Yes, it is. 2 Q. Do you recall any request by any 3 Ethypharm clients or statements on the cooperation 4 between Ethypharm and Bentley -- 15:25:39 5 A. No. 6 Q. -- for the manufacturing -- 7 A. No. 8 Q. -- of Omeprazole? 9 A. I was copied of this type of document 15:25:42 10 but, frankly, it was going to Adolfo de Basilio, 11 who was managing the customers. 12 Q. Did Adolfo de Basilio ever tell you that 13 any Ethypharm customer requested a statement on 14 cooperation between Ethypharm and Bentley? 15:25:56 15 A. I don't -- frankly speaking, I don't 16 recall either. I mean, he probably send me a -- 17 the document because there was some official 18 documents for the file but -- 19 Q. But you don't remember ever seeing -- 15:26:06 20 A. I don't remember -- 21 Q. -- such a document? 22 A. -- seeing it because we had an agreement</p>	<p>15:27:19 1 conversation -- 2 A. No -- 3 Q. -- took place? 4 A. -- I just told you I -- I don't recall. 15:27:22 5 Q. Do you recall whether it was before or 6 after the termination of the agreement marked as 7 Exhibit 11? 8 A. No. 9 Q. Do you recall whether it was toward the 15:27:31 10 end of your employment at Ethypharm or the middle? 11 A. No, it was before the -- the end of 12 my -- my employment. 13 Q. Do you -- 14 A. Also probably -- probably I -- I just 15:27:41 15 couldn't tell you probably before, I would. But 16 for them, I'm not sure at all. Now frankly 17 speaking, I don't know. I don't remember. 18 Q. Do you recall what that telephone 19 conversation was about? 15:27:51 20 A. Cooperation about -- cooperation between 21 the companies and -- and Omeprazole and these 22 type -- these types of things.</p>

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15:28:00	1 Q. So --	15:29:56	1 A. Yes, I think so.
	2 A. But I don't remember the details. But		2 MS. ABREU: Counsel, we would like to
	3 it was when we had conversations when I was		3 request production of that agreement.
	4 participating. It was because we were talking		4 MR. GRACE: It's been marked as an
15:28:08	5 about the collaboration with Belmac and Omeprazole.	15:30:12	5 exhibit.
	6 Q. Okay. So it was about the cooperation		6 COURT REPORTER: May I take a break
	7 with --		7 soon?
	8 A. Mm-hmm.		8 MS. ABREU: Sure.
	9 Q. -- lab (sic) Belmac and Omeprazole?		9 Why don't we take a break for the court
15:28:16	10 A. Yeah.	15:30:24	10 reporter.
	11 Q. Do you recall who -- who initiated that		11 THE VIDEOGRAPHER: This ends tape number
	12 tele -- telephone conversation?		12 three of the Joannesse deposition.
	13 A. It was between Gérard Leduc and James		13 The time is 15:30:12.
	14 Murphy, but I don't know who called whom. I mean,		14 Off the record.
15:28:29	15 they arranged for a phone call together.	15:30:33	15 (Whereupon, at 15:30:12 p.m., a recess
	16 Q. Okay. And you were asked to join		16 was taken, and the proceedings resumed at
	17 Mr. Leduc in his office --		17 15:38:25 p.m., this same day.)
	18 A. Yes.		18 THE VIDEOGRAPHER: On the record with
	19 Q. -- for that phone call?		19 tape number four of the testimony of Roseline
15:28:39	20 A. Mm-hmm.	15:38:30	20 Joannesse in the matter of Ethypharm versus Bentley
	21 Q. And do you recall any other		21 Pharmaceuticals.
	22 communications of any form with Mr. Murphy that you		22 The date is July 20th, 2006.
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15:28:46	1 ever had during your employment at Ethypharm?	15:38:42	1 The time is 15:38:25.
	2 A. As far as I'm concerned, no.		2 BY MS. ABREU:
	3 Q. Anywhere in your files you -- or		3 Q. Good afternoon, Ms. Joannesse.
	4 anywhere else, do you recall ever seeing a		4 Do you recall seeing any signed
15:29:05	5 confidentiality agreement between -- signed by Jim	15:38:57	5 agreement between Ethypharm and James Murphy
	6 Murphy with Ethypharm regarding Omeprazole or		6 concerning Omeprazole or pellet drugs in Spain?
	7 another pellet drug?		7 A. No.
	8 A. Not to Omeprazole and pellets drug.		8 Q. Do you recall ever seeing any signed
	9 Q. How about anything else?		9 agreement between James Murphy and Ethypharm
15:29:23	10 A. Yes. There was another one. I think	15:39:10	10 concerning the manufacturing of Omeprazole with
	11 it's transdermal things, something like that.		11 other pellets drugs anywhere in the world?
	12 Q. Is it the one that I showed you --		12 A. I don't think so.
	13 A. No.		13 Q. Aside from the June 8th, 2001, draft,
	14 Q. -- about the purchase --		14 which I believe is marked as Exhibit 20, do you
15:29:36	15 A. No.	15:39:27	15 recall ever negotiating a draft between Ethypharm
	16 Q. -- of the U.S. corporation?		16 and Jim Murphy with regarding the manufacture of
	17 A. No. Another one, the products.		17 Omeprazole or other pellet drugs that had
	18 Q. Do you recall the date --		18 Mr. Murphy as a signatory?
	19 A. No.		19 A. I just -- I don't think so, but I'm not
15:29:48	20 Q. -- of that agreement?	15:39:52	20 sure because we had prepared so many drafts over
	21 And was agreement in your files at		21 the years, which were not signed in the end.
	22 Ethypharm?		22 That's a very difficult question if I don't have

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<p>15:40:02 1 the whole file with me. 2 Q. Sure. 3 A. But just like that, we'd probably say 4 no. 15:40:13 5 Q. Aside from yourself, do you know who 6 else at Ethypharm had any contacts or 7 communications with Mr. Murphy? 8 A. Gérard Leduc and Patrice Debrégeas and 9 also Claude Dubois and Pierre Germain, and maybe 15:40:30 10 others that I don't know, I mean, but for sure 11 these people had. 12 Q. Aside from Mr. Murphy, did you ever have 13 any contacts or communications with anyone who was 14 employed at Bentley Pharmaceuticals in the United 15:40:47 15 States? 16 A. No. 17 Q. Okay. Did you ever visit Bentley 18 Pharmaceuticals in the United States? 19 A. No. 15:40:53 20 MS. ABREU: I'd like to have this 21 document marked as Exhibit 33, please. 22 (Joannesse Deposition Exhibit No. 33)</p>	<p>15:44:33 1 of Ethypharm Spain to me, in which was needed for 2 the letter that Mr. Debrégeas wanted to send to 3 Mr. Murphy. 4 And this was letter was a letter 15:44:48 5 concerning certainly a surprise on certain articles 6 and advertisement that was published in Spanish 7 newspapers, and which we're referring to Omeprazole 8 and perhaps technology as if it was Belmac 9 technology. 15:45:06 10 Q. And can you tell us the date of that 11 letter from Mr. Debrégeas to Mr. Murphy? 12 A. Yes. 13 The letter dates back to April 8, 1999. 14 Q. And prior to Ms. Rodríguez's sending you 15:45:20 15 Mr. Murphy's address in the United States, did you 16 have that address in your files? 17 A. If I had this address, I wouldn't have 18 needed to get it from Ethypharm Spain. 19 Q. Were you involved in drafting the letter 15:45:35 20 from Mr. Debrégeas to Mr. Murphy dated April 8, 21 1999, in Exhibit 34? 22 A. Again, the content was drafted probably</p>
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<p>15:41:24 1 was marked for Identification.) 2 (Witness reviews document.) 3 THE WITNESS: Yes. 4 BY MS. ABREU: 15:42:59 5 Q. Have you seen Exhibit 33 before? 6 A. I don't recall at all, frankly speaking. 7 Q. And I'm presuming, then, that you don't 8 recall whether you were involved in drafting this? 9 A. No, no, no. 15:43:16 10 Q. Okay. 11 MS. ABREU: I'd like to mark this 12 document for identification as Exhibit 34, please. 13 (Joannesse Deposition Exhibit No. 34 14 was marked for Identification.) 15:44:08 15 THE WITNESS: Thank you. 16 BY MS. ABREU: 17 Q. Have you seen Exhibit 34 before, 18 Ms. Joannesse? 19 A. Yes, yes, I have. 15:44:25 20 Q. Can you tell me what it is? 21 A. Well, in fact, the first page is simply 22 the address of Bentley transmitted by the secretary</p>	<p>15:45:43 1 by Mr. Debrégeas. Maybe I reviewed it in terms of 2 English but that's probably all. 3 Q. Could you take a look at the second to 4 last -- 15:45:59 5 A. Mm-hmm. 6 Q. -- paragraph of that letter, the one 7 that starts with, We want to correct any 8 misunderstanding. 9 A. Mm-hmm. 15:46:08 10 Q. Do you see where it says that we trust 11 you will take all appropriate measures to remind 12 your Spanish subsidiary of its obligations? 13 A. Where is that? 14 Yes, yes, yeah. 15:46:21 15 Q. And do you understand the term Spanish 16 subsidiary to be referring to Laboratorios Belmac 17 in Spain? 18 A. Yes. 19 Q. And did you ever see any response from 15:46:34 20 Mr. Murphy to this? 21 A. Yes, I see he responded. 22 Q. Okay. And did you send this letter on</p>

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<p>15:46:46 1 behalf of Mr. Debréguas to Mr. Murphy or did he 2 send it himself? 3 A. Oh, he sent it himself, most probably. 4 Q. Did you have any other contacts with 15:47:01 5 that of Mr. Murphy or anyone else at Bentley that 6 we have not had discussed today or any other 7 communications of any form? 8 A. No. 9 Q. To your knowledge, did Ethypharm ever 15:47:15 10 enter into a contract with Bentley Pharmaceuticals 11 to manufacture Omeprazole or any other pellets 12 drugs in the United States? 13 A. No. I think we've discussed that. 14 Q. Did anyone at Bentley ever tell you that 15:47:31 15 the general managers of Belmac, such as Mr. Adolfo 16 Herrera, Clemente Azpeitia, or Mr. Ayala, or anyone 17 else at Belmac had the authority to bind Bentley in 18 its relationships with Ethypharm? 19 A. No. 15:47:50 20 Q. To your knowledge, did anyone at Bentley 21 ever tell anybody else at Ethypharm that the 22 general managers of Belmac, such as Adolfo Herrera,</p>	<p>15:48:48 1 A. No, I haven't asked Mr. Murphy such a 2 question. 3 Q. Do you know whether anybody else at 4 Ethypharm asked Mr. Murphy such a question? 15:48:55 5 A. I don't know. As far as I know, I don't 6 know. 7 Q. Did either Mr. Murphy or anyone else who 8 works for Bentley Pharmaceuticals ever tell you 9 that Belmac had the authority to act as Bentley's 15:49:11 10 agent in its relationship with Ethypharm? 11 A. No one told me such a thing. 12 Q. To your knowledge, did anyone at Bentley 13 or Mr. Murphy ever tell anybody else at Ethypharm 14 that Belmac had the authority to act as Bentley's 15:49:27 15 agent in its relationship with Ethypharm? 16 A. I don't know what was told to the 17 others. 18 Q. But you have never heard of the others 19 being told such a -- 15:49:35 20 A. I hadn't heard, no. 21 Q. Did Mr. Murphy or anyone else at Bentley 22 ever tell you that Bentley would guarantee Belmac's</p>
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<p>15:47:59 1 Mr. Clemente, Gonzalez Azpeitia, Mr. Ayala, or 2 anyone else at Bent -- at Belmac have the authority 3 to bind Bentley in its -- 4 A. I can't speak -- 15:48:11 5 Q. -- relationship with Ethypharm? 6 A. -- for the others. I don't know for -- 7 for the others. 8 Q. Okay. But did -- did you ever overhear 9 anybody say that they had been told such a thing? 15:48:23 10 A. I don't know. I mean -- 11 Q. No? 12 A. No. 13 Q. Did you ever ask -- I -- I guess the 14 only person at Bentley with whom you communicated 15:48:37 15 was Mr. Murphy -- 16 A. Mm-hmm. 17 Q. -- is that correct? 18 Did you ever ask Mr. Murphy if Belmac 19 and the -- and its general managers had the 15:48:44 20 authority to bind Bentley -- 21 A. No. 22 Q. -- in its relationship with Ethypharm?</p>	<p>15:49:45 1 obligations to Ethypharm? 2 A. No one told me, no. 3 Q. To your knowledge, did Mr. Murphy or 4 anyone else at Bentley ever tell anybody at 15:49:56 5 Ethypharm that Bentley would guarantee Belmac's 6 obligations toward Ethypharm? 7 A. I can tell you that may be possible but 8 I can't tell you. 9 Q. And you have no knowledge -- 15:50:05 10 A. No, I have -- 11 Q. -- of such a thing? 12 A. -- no knowledge. 13 Q. Did you ever meet any of Belmac's 14 general managers, aside from Mr. Herrera that 15:50:13 15 February 2002 meeting? 16 A. No. The former ones, I've never met. 17 Q. Okay. Did Mr. Herrera ever tell you 18 that he couldn't answer one of these questions 19 because he had to ask Jim Murphy or consult with 15:50:30 20 Jim Murphy? 21 A. Not in such way. We know that he was 22 referring to the United States for certain big</p>

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<p>15:50:41 1 decisions, but he didn't tell me I have to speak 2 with Mr. Murphy. 3 Q. Did he ever tell you that he had to 4 consult with the United States about anything? 15:50:53 5 A. Sometimes it happens. 6 Q. About what? 7 A. I think that during the meeting of 8 February 21 -- 9 Q. Mm-hmm. 15:51:01 10 A. -- he asked for a break in order to call 11 the U.S., if I recall properly. 12 Q. And aside from that meeting in 13 February 21, do you recall Mr. Herrera ever tell 14 you that he had to consult with the U.S. about 15:51:15 15 anything? 16 A. Telling me directly, no. 17 Q. Okay. Have you heard of him telling you 18 anyone else that? 19 A. I think that he -- he probably has to 15:51:24 20 say something like for to Adolfo de Basilio but -- 21 Q. Do you recall Adolfo de Basilio telling 22 you that -- that Mr. Herrera told -- told him that?</p>	<p>15:52:20 1 meeting, I think that he said he would call the 2 U.S. 3 Q. In February 21st -- 4 A. Yes. 15:52:25 5 Q. -- 2002? 6 A. Yes, I think so. 7 Q. And do you recall whether he said that 8 after Mr. Meyer had said that Ethypharm would be 9 forced to sue Bentley in the United States? 15:52:36 10 A. I don't know if he said it after or 11 before, but it's probably it's in relation, at 12 least, at it was involving the U.S. I don't know. 13 Maybe, yeah. 14 Q. Okay. About the -- their lawsuit -- 15:52:45 15 A. Yes. 16 Q. -- in the United States? 17 A. Yes, maybe. 18 Q. Did -- did Mr. Herrera ever tell you 19 that he had been -- been given the authority to 15:52:58 20 account on behalf of Bentley in his dealings with 21 Ethypharm? 22 A. No.</p>
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<p>15:51:33 1 A. You know it's difficult to answer such a 2 question. I mean, it's not -- it's the feeling, 3 you know. It's the -- the general cooperation that 4 was working like that, you know, that -- like -- 15:51:44 5 just like Adolfo de Basilio had to refer to 6 Ethypharm for certain issues. Adolfo Herrera had 7 to refer to the United States. That's the feeling 8 I had of the situation -- 9 Q. And? 15:51:57 10 A. -- and, obviously, he didn't tell me 11 directly this or not. 12 Q. Sure. 13 Is that feeling based on -- on 14 Mr. de Basilio's relationship with the mother 15:52:06 15 company in France? 16 A. No, it's based on the -- on the whole 17 circumstances on the way things were -- were 18 working. 19 Q. Okay. But no one ever told you, did 15:52:15 20 they, that Mr. Herrera had to consult with the 21 United States? 22 A. No, except that when -- when during this</p>	<p>15:53:05 1 Q. To your knowledge, did Mr. Herrera ever 2 tell anyone else at Ethypharm that he had the 3 authority to act on behalf of Bentley -- 4 A. No. 15:53:12 5 Q. -- in his dealings with Ethypharm? 6 A. I don't know, to my knowledge. 7 Q. Let's go back to your files and 8 documents at Ethypharm, okay? 9 Do you recall when Ethypharm made the 15:53:36 10 decision to bring the patent infringement suit 11 against Belmac in Spain? 12 MR. GRACE: Objection. 13 I'm going to direct you not to answer 14 that. 15:53:48 15 MS. ABREU: I'm asking about when. 16 That's a -- a question of fact. 17 MR. GRACE: The direction stands. 18 MS. ABREU: I see. 19 MR. GRACE: Yeah. 15:53:55 20 In other words, don't -- don't answer 21 it. 22 MS. ABREU: Don't answer it?</p>

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<p>15:53:59 1 MR. GRACE: Do not answer it. 2 THE WITNESS: Mm-hmm. 3 MS. ABREU: And is that an instruction 4 on the basis of privilege, counsel? 15:54:03 5 MR. GRACE: Yes. 6 MS. ABREU: Bentley reserves its rights 7 to take this matter up with the court. 8 BY MS. ABREU: 9 Q. Did your files contain any documents 15:54:10 10 pertaining to the lawsuits against Belmac in -- in 11 Spain? 12 A. Yes. 13 Q. Okay. Did your files and documents 14 contain any documents concerning a lawsuit against 15:54:22 15 Bentley in the United States? 16 A. No. No. I don't think so. 17 Q. And you stated earlier that you never 18 destroyed any of your documents; is that correct? 19 A. No. 15:54:45 20 Q. And that file was still there in its 21 entirety when you left -- 22 A. Mm-hmm.</p>	<p>15:55:39 1 Do you recall approximately when Belmac 2 ceased manufacturing and fulfilling the orders 3 about the firms and its -- and its customers for 4 Omeprazole? 15:55:48 5 A. Well, I think it's after my departure, 6 around my departure, because when machines were 7 taken away. 8 Q. So around August -- 9 A. Around August, September, something like 15:56:03 10 that, probably, but ... 11 Q. Ms. Joannesse, did you review any 12 documents in preparation for today's deposition? 13 A. Yes. 14 Q. Do you recall reviewing any -- did you 15:56:29 15 use any documents to refresh your recollection for 16 your testimony today? 17 A. Those we have seen today together, but 18 not -- some them because some of them I had not 19 seen before. 15:56:40 20 Q. Did you see -- did you use any documents 21 to refresh your recollection for your testimony 22 today that we have not seen here today?</p>
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<p>15:54:49 1 Q. -- Ethypharm? 2 A. I hope so, at least. 3 Q. Okay. Do you recall whether after the 4 termination of -- of the agreement and marked -- 15:55:06 5 the agreement marked as Exhibit 11 whether Bentley 6 Pharmaceuticals ever manufactured any pellet drugs 7 or -- on behalf of Ethypharm? 8 A. After the termination of the agreement, 9 yes, they did. 15:55:23 10 Q. Bentley Pharmaceuticals -- 11 A. Oh -- 12 Q. -- in the -- 13 A. -- I'm sorry. 14 Q. -- United States? 15:55:24 15 A. Sorry. I didn't realize. No, Bentley 16 never manufactured any pellets. 17 Q. Okay. Either before or after -- 18 A. Or after. 19 Q. Okay. But Belmac did continue to 15:55:37 20 manufacturer that -- 21 A. Yes. 22 Q. -- right?</p>	<p>15:56:52 1 A. A difficult question. I think we have 2 seen most of them. 3 Q. Do you recall any specific documents 4 that you used to refresh your recollection that we 15:57:00 5 have not seen today? 6 A. Probably the transdermal confidentiality 7 agreement with Bentley -- 8 Q. Okay. 9 A. -- yeah. 15:57:10 10 We haven't seen this one. And -- and 11 there was some notes from Mr. Murphy, handwritten 12 notes, as well. And I don't remember all the 13 documents, you see, so. I think we have seen lot 14 of them because the package is already there. 15:57:36 15 Q. Okay. 16 MS. ABREU: I'd like to request the 17 documents reviewed by Ms. Joannesse to refresh her 18 recollection today. 19 BY MS. ABREU: 15:57:50 20 Q. Aside from speaking to counsel -- 21 A. Mm-hmm. 22 Q. -- did you speak to anybody else</p>

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<p>15:57:54 1 regarding your testimony here today?</p> <p>2 A. No.</p> <p>3 Q. Okay. When you were negotiating the</p> <p>4 terms of your employment with Ethypharm that you're</p> <p>15:58:06 5 about to begin in September --</p> <p>6 A. Mm-hmm.</p> <p>7 Q. -- did anyone ever discuss the case</p> <p>8 against Bentley in the United States with you?</p> <p>9 A. No.</p> <p>15:58:15 10 Q. Okay.</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 MS. ABREU: Thank you, Ms. Joannesse.</p> <p>14 I have no further questions.</p> <p>15:58:21 15 THE WITNESS: Thank you.</p> <p>16 MS. ABREU: Do you?</p> <p>17 MR. GRACE: All right. Let's take a</p> <p>18 ten-minute break and then I'll ask some questions.</p> <p>19 THE VIDEOGRAPHER: The time is 15:58:13</p> <p>15:58:32 20 Off the record.</p> <p>21 (Whereupon, at 15:58:13 p.m., a recess</p> <p>22 was taken, and the proceedings resumed at</p>	<p>16:11:32 1 that in front of you.</p> <p>2 A. Yes.</p> <p>3 Q. And you've already discussed this, but</p> <p>4 just to orient ourselves, could you state briefly</p> <p>16:11:49 5 what this document is?</p> <p>6 A. Yes. It's a confidentiality agreement</p> <p>7 signed between Ethypharm Spain and Belmac,</p> <p>8 represented respectively by general manager,</p> <p>9 Adolfo de Basilio, and the general manager of</p> <p>16:12:05 10 Belmac, Clemente González Azpeitia, which was</p> <p>11 signed in -- on the 30th of September 1998.</p> <p>12 And this is a confidentiality agreement</p> <p>13 which relates to the transmission of some</p> <p>14 documentation included in the registration files of</p> <p>16:12:22 15 Belmazol.</p> <p>16 And this documentation is stated with</p> <p>17 thoughts of manufacturing -- manufacturing and</p> <p>18 validation of the methods of manufacturing in the</p> <p>19 analysis methods --</p> <p>16:12:39 20 Q. Okay.</p> <p>21 A. -- and its validation.</p> <p>22 Q. Now I'd like you to help me out, if you</p>
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<p>15:58:37 1 16:10:19 p.m., this same day.)</p> <p>2 THE VIDEOGRAPHER: On the record.</p> <p>3 The time is 16:10:19.</p> <p>4 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS</p> <p>16:10:39 5 BY MR. GRACE:</p> <p>6 Q. Hello. As I indicated on the record</p> <p>7 before, I'm Bruce Grace.</p> <p>8 I'm going to be asking you a number of</p> <p>9 questions on different topics, so I'm going to be</p> <p>16:10:52 10 jumping around a little bit, and I'll try to orient</p> <p>11 you before I go on to a new topic. But if I don't,</p> <p>12 just make sure you ask me.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. All right? Do you understand that?</p> <p>16:11:02 15 A. Yeah.</p> <p>16 Q. Okay. Let's see.</p> <p>17 And I'll be asking questions largely</p> <p>18 about documents that have already been marked as</p> <p>19 exhibits.</p> <p>16:11:21 20 And the first one I'd like to look at,</p> <p>21 if we could, is the document that was marked as</p> <p>22 Exhibit 25. So if you could take a moment to get</p>	<p>16:12:44 1 could for a minute. You used a phase registration</p> <p>2 file.</p> <p>3 Can you tell me what that means in the</p> <p>4 context of pharmaceutical companies?</p> <p>16:12:55 5 A. Yes.</p> <p>6 When you want to put a product on to the</p> <p>7 market, you have to obtain the marketing</p> <p>8 authorization. And to obtain this marketing</p> <p>9 authorization, you have to compile registration</p> <p>16:13:07 10 file or files which contains a certain number of</p> <p>11 elements, first, for all the manufacturing process</p> <p>12 and formula -- formula, but also toxilogical</p> <p>13 studies, bio-equivalence or clinical studies,</p> <p>14 according to the type of products you're asking,</p> <p>16:13:23 15 methods of analysis, well, all series of documents,</p> <p>16 which is mentioned by the authorities, and that</p> <p>17 will enable the authorities to decide whether the</p> <p>18 drug is safe or not.</p> <p>19 Q. And is a -- is a registration file, when</p> <p>16:13:41 20 a company prepares, is it a confidential document?</p> <p>21 A. It is considered as a confidential</p> <p>22 document. There is -- if it's a new product, you</p>

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<p>16:13:50 1 have the rule of exclusivity in Europe to access 2 these documents. Once it -- this rule of 3 exclusivity is gone, then you can access the 4 document to make bio-equivalent studies, for 16:14:02 5 example, for general products. 6 Q. Is it a -- is it a significant 7 expenditure of time and resources to put together a 8 registration file? 9 A. It depends on the type of products you 16:14:17 10 are -- you are trying to -- to get. If it's a new 11 product, effectively this is a lot of time and 12 money. If it's a generic product, it will be less 13 costly, because you just have to -- to make 14 reference to the documentation of the other 16:14:33 15 original products, but do some bio-equivalent 16 studies so it's lighter. But it still -- still it 17 represents some sometime. I mean, it's -- it's -- 18 it depends on what the authorities are requesting 19 in the file and what is access -- accessible. 16:14:50 20 Q. Okay. Now can you tell me what was the 21 purpose of Ethypharm wanting to have access to -- 22 well, first of all, the registration file, was that</p>	<p>16:16:15 1 that -- and I'll paraphrase -- that Belmac has 2 provided to Ethypharm the following documentation 3 and then there's a bullet point and it says -- 4 A. Mm-hmm. 16:16:25 5 Q. -- and it says -- and this is all using 6 a translation -- production method and 7 validation -- 8 A. Mm-hmm. 9 Q. -- is the same. 16:16:31 10 Do you see the -- the language that I'm 11 referring to? 12 A. Yes, yes. 13 Q. If someone wanted to use that statement 14 as evidence that information concerning the 16:16:42 15 production method of the Omeprazole pellets was 16 Belmac's information as opposed to Ethypharm's, do 17 you think that's a valid interpretation of that -- 18 of that language? 19 MS. ABREU: Objection. Calls for 16:16:56 20 speculation. Argumentative and delves far too 21 deeply into these two issues. 22</p>
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<p>16:15:13 1 a file prepared by Belmac or by Ethypharm? 2 A. Now that's probably a file prepared by 3 Belmac using the information provided by Ethypharm. 4 Q. And what was the Ethypharm's reason for 16:15:16 5 wanting to get from Belmac information that it had 6 already given to Belmac? 7 A. Because it's formatted. It's already -- 8 it's -- it's prepared under a certain format. It's 9 put in order so it's -- Ethypharm doesn't have -- 16:15:33 10 didn't have such a ready file. 11 And in the present case, they wanted it 12 to have one of their customers in Czech Republic 13 Leciva, and having access to this documentation, 14 which was already prepared, was very helpful to 16:15:50 15 obtain the marketing authorization in the Czech 16 Republic. 17 Why Ethypharm had never requested any 18 marketing authorization for this formulation of 19 Omeprazole and, therefore, it never put all 16:16:04 20 together all the information. 21 Q. Now if -- if someone wanted to use -- 22 there's a portion of this document which says</p>	<p>16:17:02 1 BY MR. GRACE: 2 Q. You may answer. 3 A. So shall I answer? 4 Q. Yes, you may answer. 16:17:07 5 A. Okay. 6 Well if you don't how it works in the 7 pharmaceutical industry, you believe that 8 effectively it belongs to Belmac. 9 Now I think that in the file you have 16:17:26 10 plenty of different documents that show that it was 11 not Belmac. 12 Q. Okay. 13 MR. GRACE: Let me mark, if I could, as 14 the next exhibit. This will be Exhibit 35, a 16:17:49 15 document. 16 THE WITNESS: Thirty-five. It's a new 17 one. Yeah, okay. 18 (Joannesse Deposition Exhibit No. 35 19 was marked for Identification.) 16:18:02 20 THE WITNESS: Thank you. 21 BY MR. GRACE: 22 Q. Could you tell us what this document is?</p>

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16:18:16	1 A. This is a confidentiality non-disclosure	16:21:18	1 A. Yeah --
	2 agreement made on the 10th of February, 2000,		2 Q. Okay.
	3 between Bentley Pharmaceuticals, Inc., and -- a		3 A. -- on top.
	4 U.S. company, and Ethypharm France.		4 Q. Okay, thank you.
16:18:34	5 Q. Does this document relate to Omeprazole?	16:21:21	5 All right. Does this document relate --
	6 A. No.		6 if -- the subject line says Lab Belmac
	7 Q. What does it relate to?		7 Manufacturing for Ethypharm.
	8 A. It relates, if you look at the second		8 Do you understand that this document
	9 paragraph, to -- well, transdermal product, its		9 relates to the manufacturing of Omeprazole?
16:18:46	10 enhancement and absorption and permeation of drugs	16:21:39	10 A. It relates to manufacturing of
	11 through bio -- biological membranes.		11 Omeprazole and other products most probably, but
	12 So it's transdermal drugs.		12 Omeprazole among them, yes, sure.
	13 Q. Okay. Thank you.		13 Q. And I think you -- you mentioned this,
	14 MR. GRACE: Would you mark this as the		14 but who is it from?
16:19:03	15 next exhibit, please.	16:21:52	15 A. It's from James Murphy, James R. Murphy,
	16 Thanks.		16 Chairman and CEO of Bentley Pharmaceutical (sic).
	17 (Joannesse Deposition Exhibit No. 36		17 Q. Okay. Do you know whether -- whether
	18 was marked for Identification.)		18 Mr. Murphy was Chairman and CEO of -- of Belmac
	19 THE WITNESS: Thank you.		19 of Laboratorios Belmac?
16:19:20	20 (Witness reviews document.)	16:22:06	20 A. Well, from all the documents we have
	21 BY MR. GRACE:		21 seen, he was mentioned as Executive Director --
	22 Q. Would you tell us what Exhibit 36 is.		22 Q. Okay.
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16:20:07	1 A. This is a fax addressed by Bentley	16:22:12	1 A. -- of Belmac.
	2 Pharmaceutical, Inc., U.S.A. and by as Chairman and		2 Q. So when you see Chairman and CEO, do you
	3 CEO, James R. Murphy, to Patrice Debrégeas at		3 understand that to be Mr. Murphy in his capacity as
	4 Ethypharm. This fax was sent on the 28th of		4 Bentley?
16:20:25	5 January 1997. And the subject matter was	16:22:22	5 A. Yes, I would -- I would interpret it
	6 Laboratorios Belmac manufacturing for Ethypharm.		6 as -- as Chairman and CEO of Bentley
	7 Q. Okay. Had you ever seen this document		7 Pharmaceuticals.
	8 before?		8 Q. Now Mr. Murphy says in this -- he says,
	9 A. Yes, in the file.		9 Ever since I assumed control of Laboratorios
16:20:39	10 Q. All right. Do you know whether you	16:22:41	10 Belmac.
	11 were -- you were given a copy of this document		11 Do you see that?
	12 around the time that it was received in Ethypharm?		12 A. Yes.
	13 A. Yes. Because it's indicated on the top		13 Q. When you saw this document back in 1997,
	14 that I got a copy. Claude Dubois sent a copy to		14 did that surprise you?
16:20:54	15 Eric Igonet and myself.	16:22:55	15 A. No, it doesn't surprise me because, as I
	16 Q. Okay. And how is that indicated there?		16 say before, I mean, for -- for me Bentley and
	17 A. CD arrow to EI R -- stroke RG.		17 Belmac was -- wouldn't say the same, because
	18 Q. Okay. And -- and you're -- you're RT?		18 legalese it's wrong to say it's the same. But, I
	19 A. RT is --		19 mean, it's -- when you were talking to Bentley, you
16:21:12	20 Q. Oh, RG.	16:23:17	20 were talking about usually, except for a few
	21 A. Yes, RJ, RJ, sorry.		21 matters that we've seen of transdermal issues. We
	22 Q. That's down below there?		22 were talking about issues related to Belmac,

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<p>16:23:27 1 Laboratorios Belmac, Spain. 2 Q. And did you understand that -- that -- 3 that Ethypharm could fruitfully have a discussion 4 with Mr. Murphy that would have an impact on it's 16:23:48 5 relationship in connection with Omeprazole and the 6 manufacture of Omeprazole in Spain? 7 MS. ABREU: Objection. Vague and 8 argumentative. 9 BY MR. GRACE: 16:24:01 10 Q. You can go ahead and answer. 11 A. Okay. 12 I'm sorry, I'm not -- I'm going to ask 13 you to repeat the question. 14 Q. It was -- it was a long question. 16:24:21 15 Did you understand that it made sense 16 for Ethypharm to have discussions with Mr. Murphy 17 on matters relating to the manufacture of 18 Omeprazole in Spain? 19 A. Yes, yes, yes. 16:24:38 20 It's just like when you want to -- to 21 discuss, you know, strategy issues, this was not 22 done at the level of Adolfo de Basilio. That was</p>	<p>16:27:18 1 Belmac by our subsidiary Ethypharm S.A., Spain, and 2 this fax was sent by Gérard Leduc to Mr. Murphy of 3 Bentley on the 18th of April 2002. 4 Q. All right. Now can you help us to 16:27:38 5 understand what was the relationship between 6 Bentley Belmac and Ethypharm in this time period? 7 MS. ABREU: Objection. Confusing. 8 Incompletes Bentley and Belmac. 9 BY MR. GRACE: 16:28:01 10 Q. You can answer. 11 A. The relationship between Bentley Belmac 12 and Ethypharm at that time? 13 Q. Yes. 14 A. Well, as I -- as I said, no, I did not 16:28:13 15 recall this document when I was asked if they -- if 16 we had any contact with Bentley after the letter 17 determination of the -- the agreements. But this 18 letter was effectively sent to Bentley to inform 19 them of the difficulties we had after the 16:28:33 20 determination of the agreement with Belmac. 21 Q. Okay. So by the time this letter is 22 sent -- let's just get the chronology set, there --</p>
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<p>16:24:48 1 done at the level of Patrice Debrégeas and Gérard 2 Leduc. And in the case of Bentley, Belmac, each 3 time we had a problem, a major issue with Belmac, 4 we would always refer to Bentley and James Murphy. 16:25:02 5 That's my understanding. 6 MR. GRACE: Would you will mark this as 7 the next exhibit, please. 8 (Joannesse Deposition Exhibit No. 37 9 was marked for Identification.) 16:25:38 10 THE WITNESS: Thank you. 11 (Witness reviews document.) 12 THE WITNESS: Mm-hmm. 13 BY MR. GRACE: 14 Q. Have you had a chance to look at 16:26:50 15 Exhibit 37? 16 A. Yes, I think so. I just did not recall 17 it but, yes. 18 Q. Okay. Can you describe for us what it 19 is? 16:27:01 20 A. Well, first of all, it's a cover page, 21 faxed cover page, sending a copy of the information 22 that was sent to the Spanish subsidiary of Bentley</p>	<p>16:28:41 1 what's been marked as Exhibit 11, the manufacturing 2 agreement -- 3 A. Mm-hmm. 4 Q. -- had been canceled; is that right? 16:28:48 5 A. Yes. 6 Q. Okay. 7 A. Yes. 8 Q. And is it right that at this time there 9 were certain difficulties that Ethypharm was 16:28:57 10 experiencing with relationship to the -- to the 11 manufacturer of Omeprazole? 12 A. Yes. 13 Q. And Mr. Leduc, through this fax, brings 14 those difficulties to the -- to the attention of -- 16:29:12 15 of Mr. Murphy? 16 A. Right. 17 Q. Now is -- is this sent to Mr. Murphy at 18 Bentley or is it sent to Mr. Murphy at Laboratorios 19 Belmac? 16:29:27 20 A. No it's sent to Mr. Murphy at Bentley. 21 It was a fax number in the U.S. 22 MR. GRACE: Okay. Thank you.</p>

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<p>16:29:44 1 I have no further questions. 2 EXAMINATION BY COUNSEL FOR THE DEFENDANT 3 (Continued) 4 BY MS. ABREU: 16:29:47 5 Q. Ms. Joannesse, I have just a couple of 6 short, little questions and then we'll get you on 7 your way to France. 8 If you could please turn to Exhibit 35. 9 A. Mm-hmm. 16:29:58 10 Q. You mentioned that exhibit -- this 11 confidentiality agreement marked as Exhibit 25 12 concerns transdermal drugs -- 13 A. Mm-hmm. 14 Q. -- which have nothing to do with 16:30:08 15 Omeprazole or other pellet drugs; is that correct? 16 A. Yes, that's correct. 17 Q. Does it concern transdermal -- does it 18 concern Spain in any way? 19 A. No. 16:30:16 20 Q. Okay. I notice it says in paragraph 7 21 that any disputed should be under English law. 22 A. Mm-hmm.</p>	<p>16:31:23 1 Q. Okay. If you could please turn to -- to 2 Exhibit 36. 3 A. Mm-hmm. 4 Q. Do you see where it says in the first 16:31:31 5 page, I am writing -- "Dear Patrice, I am writing 6 with regard to the fax that I received from your 7 Spanish office"? 8 A. Mm-hmm. 9 Q. Is it your understanding that Mr. Murphy 16:31:41 10 was responding to correspondence from Ethypharm? 11 A. I suppose so. 12 Q. Okay. You -- do you recall when you 13 mentioned earlier today that you were aware that 14 Mr. Murphy had a role, president or executive 16:32:03 15 director, as you state, in Laboratorios Belmac? 16 A. Mm-hmm, yes, I recall. 17 Q. Is that correct? 18 A. Yes. 19 Q. Okay. Do you know if Mr. Murphy lives 16:32:14 20 in Spain? 21 A. I don't know. 22 Q. Okay. To your knowledge, does</p>
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<p>16:30:24 1 Q. Do you know which country this -- 2 A. No. It's probably -- I don't know which 3 country is considered because it was apparently a 4 general corporation. And if it's English law, it's 16:30:38 5 because we didn't want it to be U.S. law, and they 6 didn't want it to be French law. So sometimes 7 that's very common in -- in Europe. 8 Q. Mm-hmm. 9 A. You choose another law, another system, 16:30:48 10 which is acceptable by both parties. 11 Q. Okay. 12 A. And the U.S. English law is usually 13 commonly used. When you have a relationship with 14 American, you can have Swiss law as well, some. 16:31:02 15 Q. Sure. 16 So the transdermal drugs that are 17 referred to this -- this agreement concerns 18 transdermal drugs and that communications regarding 19 transdermal drugs between Ethypharm and Bentley 16:31:17 20 were completely unrelated to Omeprazole or anything 21 that was happening in Spain; is that correct? 22 A. I think so, yes.</p>	<p>16:32:17 1 Mr. Murphy have an address in Spain? 2 A. I don't know. 3 Q. Okay. 4 A. To my knowledge, I don't know. 16:32:20 5 Q. But to your knowledge Mr. Murphy does 6 have a business address in the United States; is 7 that correct? 8 A. Yes. 9 Q. Okay. So if you needed to contact the 16:32:28 10 executive director, president of Belmac, you would 11 typically contact Mr. Murphy in the United States; 12 is that correct? 13 A. Probably, yes. 14 Q. And could you please turn to page 2. 16:32:40 15 A. Mm-hmm. 16 Q. Do you see toward the very end of the 17 document where it says, "I suggest the following 18 people be in attendance during the first part of 19 February"? 16:32:52 20 A. Mm-hmm. 21 Q. Do you see where it says on behalf of 22 Ethypharm Mr. Debréguas and Mr. de Basilio?</p>

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16:32:58	1 A. Mm-hmm. 2 Q. Do you see where it says on behalf of 3 Laboratorios Belmac James -- 4 A. Mm-hmm.	16:34:48	1 A. Mm-hmm. 2 Q. To your knowledge, did Mr. Murphy 3 request this information? 4 A. I don't know if he request this but --
16:33:01	5 Q. -- Murphy, Clemente Gonzalez, 6 Dr. Monterde, and Mateo Gasca? 7 A. Mm-hmm. 8 Q. Could you please point to anywhere in 9 this document that says on behalf of Bentley 10 Pharmaceuticals? 11 A. No. But again, I mean you have Patrice 12 Debrégeas, who can act on both Ethypharm S.A. and 13 Ethypharm Spain. So it's not because it's listed 14 like this that it doesn't mean that there is no -- 15 no influence of the parent company. 16 Q. But you agree, do you not, that James 17 Murphy's name is listed under the heading 18 Laboratorios -- 19 A. Yes --	16:34:54	5 Q. So, to your knowledge, this was 6 initiated by Mr. Leduc? 7 A. Yes, yes. 8 MS. ABREU: Okay. Thank you very much. 9 THE WITNESS: You're welcome.
16:33:12	10 Pharmaceuticals? 11 A. No. But again, I mean you have Patrice 12 Debrégeas, who can act on both Ethypharm S.A. and 13 Ethypharm Spain. So it's not because it's listed 14 like this that it doesn't mean that there is no -- 15 no influence of the parent company. 16 Q. But you agree, do you not, that James 17 Murphy's name is listed under the heading 18 Laboratorios -- 19 A. Yes --	16:35:01	10 MS. ABREU: I hope you have a good trip 11 back to Spain. 12 THE WITNESS: No, to France. 13 MS. ABREU: Oh, to France. 14 (Laughter.)
16:33:30	15 no influence of the parent company. 16 Q. But you agree, do you not, that James 17 Murphy's name is listed under the heading 18 Laboratorios -- 19 A. Yes --	16:35:05	15 MS. ABREU: I apologize. 16 I have no further questions. 17 MR. GRACE: Just one -- 18 THE WITNESS: Thank you. 19 MR. GRACE: -- one more.
16:33:32	20 Q. -- Belmac? 21 A. -- just as Patrice Debrégeas' name is 22 listed under Ethypharm.	16:35:08	20 THE WITNESS: Yes. 21 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 22 (Continued)

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16:33:38	1 Q. Okay. You mentioned earlier in 2 discussing Exhibit 36 that each -- each time 3 Ethypharm had any major issue -- 4 A. Mm-hmm.	16:35:09	1 BY MR. GRACE: 2 Q. Just following up on that last question. 3 Were you ever aware of any communication 4 from Mr. Murphy back to Mr. Leduc saying stop 5 sending me things about Belmac, Laboratorios 6 Belmac? 7 A. No, never. 8 Q. Okay. 9 MR. GRACE: No further questions.
16:33:52	5 Q. -- with Laboratorios Belmac they would 6 always refer to Murphy. 7 Was that typically initiate -- well, 8 initiated by Ethypharm where they had problems with 9 Belmac they would contact Mr. Murphy? 10 A. Well, that was the reality, yeah. 11 Q. Okay. And let's turn to Exhibit 37 -- 12 A. Mm-hmm. 13 Q. -- if you could, please. 14 You mentioned that Mr. Leduc sent the 15 letter from -- from Mr. de Basilio to Mr. Herrera 16 to Mr. Murphy; is that correct? 17 A. Mm-hmm, yes. 18 Q. And you mentioned that he did that 19 because he was having difficulties with Mr. Herrera 20 in Belmac in Spain -- 21 A. Mm-hmm. 22 Q. -- is that correct?	16:35:20	5 THE WITNESS: Okay. 6 MS. ABREU: Thank you. 7 THE VIDEOGRAPHER: This ends tape number 8 four and concludes the testimony of 9 Roseline Joannes in the matter of Ethypharm 10 versus Bentley Pharmaceuticals. 11 The date is July 20th, 2006. 12 The time is 16:35:25. 13 Off the record. 14 (Whereupon, at 16:35:25 p.m., the 15 videotaped deposition was concluded.) 16 (Signature not waived.)

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<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, ROSELINE JOANNESSE, do hereby acknowledge</p> <p>3 that I have read and examined the foregoing</p> <p>4 testimony, and the same is a true, correct and</p> <p>5 complete transcription of the testimony given by me</p> <p>6 and any corrections appear on the attached Errata</p> <p>7 sheet signed by me.</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 (DATE) (SIGNATURE)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 ERRATA SHEET</p> <p>2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM</p> <p>3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC.</p> <p>4 RETURN BY: _____</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 80%;">CORRECTION AND REASON</th> </tr> </thead> <tbody> <tr><td>5</td><td>_____</td><td>_____</td></tr> <tr><td>6</td><td>_____</td><td>_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>_____</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>_____</td><td>_____</td></tr> <tr><td>21</td><td>_____</td><td>_____</td></tr> <tr><td>22</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p>22 (DATE) (SIGNATURE)</p>	PAGE	LINE	CORRECTION AND REASON	5	_____	_____	6	_____	_____	7	_____	_____	8	_____	_____	9	_____	_____	10	_____	_____	11	_____	_____	12	_____	_____	13	_____	_____	14	_____	_____	15	_____	_____	16	_____	_____	17	_____	_____	18	_____	_____	19	_____	_____	20	_____	_____	21	_____	_____	22	_____	_____
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<p style="text-align: right;">Page 339</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC</p> <p>2 I, Tristan-Joseph, Registered Professional</p> <p>3 Reporter, the officer before whom the foregoing</p> <p>4 proceedings were taken, do hereby certify that the</p> <p>5 foregoing transcript is a true and correct record of</p> <p>6 the proceedings; that said proceedings were taken by</p> <p>7 me stenographically and thereafter reduced to</p> <p>8 typewriting under my supervision; and that I am</p> <p>9 neither counsel for, related to, nor employed by any</p> <p>10 of the parties to this case and have no interest,</p> <p>11 financial or otherwise, in its outcome.</p> <p>12 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>13 and affixed my notarial seal this day of</p> <p>14 2006.</p> <p>15 My commission expires:</p> <p>16 December 30, 2008.</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 NOTARY PUBLIC IN AND FOR THE</p> <p>21 DISTRICT OF COLUMBIA</p> <p>22</p>	<p style="text-align: right;">Page 341</p> <p>1 ERRATA SHEET CONTINUED</p> <p>2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM</p> <p>3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC.,</p> <p>4 RETURN BY: _____</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 80%;">CORRECTION AND REASON</th> </tr> </thead> <tbody> <tr><td>5</td><td>_____</td><td>_____</td></tr> <tr><td>6</td><td>_____</td><td>_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>_____</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>_____</td><td>_____</td></tr> <tr><td>21</td><td>_____</td><td>_____</td></tr> <tr><td>22</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p>22 (DATE) (SIGNATURE)</p>	PAGE	LINE	CORRECTION AND REASON	5	_____	_____	6	_____	_____	7	_____	_____	8	_____	_____	9	_____	_____	10	_____	_____	11	_____	_____	12	_____	_____	13	_____	_____	14	_____	_____	15	_____	_____	16	_____	_____	17	_____	_____	18	_____	_____	19	_____	_____	20	_____	_____	21	_____	_____	22	_____	_____
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